

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 435 Session of 2013

INTRODUCED BY MOUL, WATSON, AUMENT, GINGRICH, MALONEY, STEPHENS, YOUNGBLOOD, SCHLOSSBERG, HICKERNELL, ROCK, KORTZ, SACCONI, MAJOR, CUTLER, KAUFFMAN, O'NEILL, BAKER, SWANGER, COHEN, R. MILLER, FLECK, C. HARRIS, CLYMER, MILNE, BENNINGHOFF, MURT, EVERETT, GIBBONS, QUINN AND FARRY, FEBRUARY 11, 2013

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 11, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, for information relating to
4 prospective child-care personnel, for information relating to
5 family day-care home residents and for information relating
6 to other persons having contact with children; and providing
7 for grounds for denying employment or participation in
8 program, activity or service and for certification
9 compliance.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definition of "child care service" in section
13 6303(a) of Title 23 of the Pennsylvania Consolidated Statutes is
14 amended to read:

15 § 6303. Definitions.

16 (a) General rule.--The following words and phrases when used
17 in this chapter shall have the meanings given to them in this
18 section unless the context clearly indicates otherwise:

19 * * *

1 "Child-care services." [Child day-care centers, group and
2 family day-care homes, foster homes, adoptive parents, boarding
3 homes for children, juvenile detention center services or
4 programs for delinquent or dependent children; mental health,
5 mental retardation, early intervention and drug and alcohol
6 services for children; and other child-care services which are
7 provided by or subject to approval, licensure, registration or
8 certification by the Department of Public Welfare or a county
9 social services agency or which are provided pursuant to a
10 contract with these departments or a county social services
11 agency. The term does not include such services or programs
12 which may be offered by public and private schools, intermediate
13 units or area vocational-technical schools.] Includes any of the
14 following:

15 (1) Child day-care centers.

16 (2) Group day-care homes.

17 (3) Family day-care homes.

18 (4) Foster homes.

19 (5) Adoptive parents.

20 (6) Boarding homes for children.

21 (7) Juvenile detention center services or programs for
22 delinquent or dependent children.

23 (8) Mental health services for children.

24 (9) Services for children with intellectual
25 disabilities.

26 (10) Early intervention services for children.

27 (11) Drug and alcohol services for children.

28 (12) Day-care services or programs that are offered by a
29 school.

30 (13) Other comparable services that are provided by or

1 subject to approval, licensure, registration or certification
2 by the department or a county social services agency or that
3 are provided pursuant to a contract with the Department of
4 Public Welfare or a county social services agency.

5 * * *

6 Section 2. Section 6344(a), (b), (c), (d)(3), (4) and (6),
7 (i), (k), (l), (m), (n), (o) and (p) of Title 23 are amended and
8 subsection (d) is amended by adding a paragraph to read:

9 § 6344. Information relating to prospective child-care
10 personnel.

11 (a) Applicability.--[This section applies to all prospective
12 employees of child-care services, prospective foster parents,
13 prospective adoptive parents, prospective self-employed family
14 day-care providers and other persons seeking to provide child-
15 care services under contract with a child-care facility or
16 program. This section also applies to individuals 14 years of
17 age or older who reside in the home of a prospective foster
18 parent for at least 30 days in a calendar year or who reside in
19 the home of a prospective adoptive parent for at least 30 days
20 in a calendar year. This section does not apply to
21 administrative or other support personnel unless their duties
22 will involve direct contact with children.] This section applies
23 to any of the following individuals:

24 (1) A prospective employee of child-care services.

25 (2) A prospective foster parent.

26 (3) A prospective adoptive parent.

27 (4) A prospective self-employed family day-care
28 provider.

29 (5) Any person seeking to provide child-care services
30 under contract with a child-care facility or program.

1 (6) An individual 18 years of age or older who resides
2 in the home of a prospective foster parent for at least 30
3 days in a calendar year or who resides in the home of a
4 prospective adoptive parent for at least 30 days in a
5 calendar year.

6 (b) [Information submitted by prospective employees.--
7 Administrators of child-care services shall require applicants
8 to submit with their applications the following information
9 obtained within the preceding one-year period:] Information to
10 be submitted.--An individual identified in subsection (a)(6) at
11 the time the individual meets the description set forth in
12 subsection (a)(6) and an individual applying to serve in any
13 capacity identified in subsection (a)(1), (2), (3), (4) or (5)
14 at the time of application shall be required to submit the
15 following information obtained within the preceding one-year
16 period:

17 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal
18 history record information), a report of criminal history
19 record information from the Pennsylvania State Police or a
20 statement from the Pennsylvania State Police that the State
21 Police central repository contains no such information
22 relating to that person. The criminal history record
23 information shall be limited to that which is disseminated
24 pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general
25 regulations).

26 (2) A certification from the department as to whether
27 the applicant is named in the central register as the
28 perpetrator of a founded report of child abuse, indicated
29 report of child abuse, founded report for school employee or
30 indicated report for school employee.

1 (3) A report of Federal criminal history record
2 information. The applicant shall submit a full set of
3 fingerprints in a manner prescribed by the department. The
4 Commonwealth shall submit the fingerprints to the Federal
5 Bureau of Investigation in order to obtain a report of
6 Federal criminal history record information and serve as
7 intermediary for the purposes of this section.

8 For the purposes of this subsection, [an applicant may submit a
9 copy of the information required under paragraphs (1) and (2)
10 with an application for employment. Administrators shall
11 maintain a copy of the required information and shall require
12 applicants to produce the original document prior to
13 employment.] an individual may submit a copy of the information
14 required under paragraphs (1) and (2) when applying to serve in
15 any capacity identified in subsection (a) (1), (2), (3), (4) or
16 (5). The person responsible for determining the employment or
17 acceptance of the individual to serve in such a capacity shall
18 maintain a copy of the required information and require the
19 individual to produce the original document prior to employment
20 or acceptance to serve in such capacity.

21 * * *

<--

22 [(c) Grounds for denying employment.--

23 (1) In no case shall an administrator hire an applicant
24 where the department has verified that the applicant is named
25 in the central register as the perpetrator of a founded
26 report of child abuse committed within the five-year period
27 immediately preceding verification pursuant to this section
28 or is named in the central register as the perpetrator of a
29 founded report for a school employee committed within the
30 five-year period immediately preceding verification pursuant

1 to this section.

2 (2) In no case shall an administrator hire an applicant
3 if the applicant's criminal history record information
4 indicates the applicant has been convicted of one or more of
5 the following offenses under Title 18 (relating to crimes and
6 offenses) or an equivalent crime under Federal law or the law
7 of another state:

8 Chapter 25 (relating to criminal homicide).

9 Section 2702 (relating to aggravated assault).

10 Section 2709.1 (relating to stalking).

11 Section 2901 (relating to kidnapping).

12 Section 2902 (relating to unlawful restraint).

13 Section 3121 (relating to rape).

14 Section 3122.1 (relating to statutory sexual assault).

15 Section 3123 (relating to involuntary deviate sexual
16 intercourse).

17 Section 3124.1 (relating to sexual assault).

18 Section 3125 (relating to aggravated indecent assault).

19 Section 3126 (relating to indecent assault).

20 Section 3127 (relating to indecent exposure).

21 Section 4302 (relating to incest).

22 Section 4303 (relating to concealing death of child).

23 Section 4304 (relating to endangering welfare of
24 children).

25 Section 4305 (relating to dealing in infant children).

26 A felony offense under section 5902(b) (relating to
27 prostitution and related offenses).

28 Section 5903(c) or (d) (relating to obscene and other
29 sexual materials and performances).

30 Section 6301 (relating to corruption of minors).

1 Section 6312 (relating to sexual abuse of children).

2 The attempt, solicitation or conspiracy to commit any of
3 the offenses set forth in this paragraph.

4 (3) In no case shall an administrator hire an applicant
5 if the applicant's criminal history record information
6 indicates the applicant has been convicted of a felony
7 offense under the act of April 14, 1972 (P.L.233, No.64),
8 known as The Controlled Substance, Drug, Device and Cosmetic
9 Act, committed within the five-year period immediately
10 preceding verification under this section.]

11 (d) Prospective adoptive or foster parents.--With regard to
12 prospective adoptive or prospective foster parents, the
13 following shall apply:

14 * * *

15 [(3) Foster parents and any individual over 18 years of
16 age residing in the home shall be required to submit the
17 information set forth in subsection (b) every 24 months
18 following approval for review by the foster family care
19 agency in accordance with subsection (c).]

20 (4) Foster parents shall be required to report, within
21 48 hours, any change in information required pursuant to
22 subsection (b) about themselves and any individuals over the
23 age of 18 years residing in the home for review by the foster
24 family care agency in accordance with subsection (c).]

25 ~~(4.1) Foster parents shall be required to report an~~ <--
26 ~~arrest or conviction for violation of an offense described in~~
27 ~~section 6344.3 (relating to grounds for denying employment or~~
28 ~~participation in program, activity or service) pursuant to~~
29 ~~section 6344.3. IF A FOSTER PARENT IS ARRESTED OR CONVICTED~~ <--
30 ~~FOR AN OFFENSE THAT WOULD CONSTITUTE GROUNDS FOR DENYING~~

1 EMPLOYMENT UNDER SECTION 6344.3 (RELATING TO GROUNDS FOR
2 DENYING EMPLOYMENT OR PARTICIPATION IN PROGRAM, ACTIVITY OR
3 SERVICE), OR IS NAMED AS A PERPETRATOR IN A FOUNDED OR
4 INDICATED REPORT OF ABUSE, THE FOSTER PARENT SHALL PROVIDE
5 THE FOSTER FAMILY CARE AGENCY WITH WRITTEN NOTICE NOT LATER
6 THAN 48 HOURS AFTER THE ARREST, CONVICTION OR NOTIFICATION
7 THAT THE FOSTER PARENT WAS NAMED AS A PERPETRATOR OF CHILD
8 ABUSE IN THE STATEWIDE CENTRAL REGISTER.

9 * * *

10 (6) In cases where foster parents knowingly fail to
11 submit the material information required in [paragraphs (3),
12 (4) and (5)] paragraph (5) and section 6344.4 (relating to
13 certification compliance) such that it would disqualify them
14 as foster parents, the child shall immediately be removed
15 from the home without a hearing.

16 * * *

17 (i) Time limit for certification.--The department shall
18 comply with certification requests no later than [14] 28 days
19 from the receipt of the request[.] and develop procedures to
20 comply with expedited certification requests. The department is
21 authorized to charge a fee of no more than \$5, in addition to
22 the fee authorized in subsection (h), in order to expedite a
23 certification request. The department shall comply with
24 expedited certification requests no later than 14 days from the
25 receipt of the request.

26 * * *

27 [(k) Existing or transferred employees.--A person employed
28 in child-care services on July 1, 2008, shall not be required to
29 obtain the information required in subsection (b) as a condition
30 of continued employment. A person who has once obtained the

1 information required under subsection (b) may transfer to
2 another child-care service established and supervised by the
3 same organization and shall not be required to obtain additional
4 reports before making the transfer.

5 (1) Temporary employees under special programs.--The
6 requirements of this section do not apply to employees of child-
7 care services who meet all the following requirements:

8 (1) They are under 21 years of age.

9 (2) They are employed for periods of 90 days or less.

10 (3) They are a part of a job development or job training
11 program funded, in whole or in part, by public or private
12 sources.

13 Once employment of a person who meets these conditions extends
14 beyond 90 days, all requirements of this section shall take
15 effect.]

16 (m) Provisional employees for limited periods.--

17 Notwithstanding subsection (b), [administrators] employers may
18 employ applicants on a provisional basis for a single period not
19 to exceed 30 days or, for out-of-State applicants, a period of
20 90 days, if all of the following conditions are met:

21 (1) The applicant has applied for the information
22 required under subsection (b) and the applicant provides a
23 copy of the appropriate completed request forms to the
24 [administrator] employer.

25 (2) The [administrator] employer has no knowledge of
26 information pertaining to the applicant which would
27 disqualify him from employment pursuant to [subsection (c)]
28 section 6344.3.

29 (3) The applicant swears or affirms in writing that he
30 is not disqualified from employment pursuant to [subsection

1 (c)] section 6344.3.

2 (4) If the information obtained pursuant to subsection
3 (b) reveals that the applicant is disqualified from
4 employment pursuant to [subsection (c)] section 6344.3, the
5 applicant shall be immediately dismissed by the
6 [administrator] employer.

7 (5) The [administrator] employer requires that the
8 applicant not be permitted to work alone with children and
9 that the applicant work in the immediate vicinity of a
10 permanent employee.

11 (n) Confidentiality.--The information provided and compiled
12 under this section, including, but not limited to, the names,
13 addresses and telephone numbers of applicants and foster and
14 adoptive parents, shall be confidential and shall not be subject
15 to the act of [June 21, 1957 (P.L.390, No.212), referred to]
16 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
17 This information shall not be released except as permitted by
18 the department through regulation.

19 (o) Use of information.--A foster family care agency may not
20 approve a prospective foster parent if the prospective foster
21 parent or an individual [14] 18 years of age or older who
22 resides for at least 30 days in a calendar year with the
23 prospective foster parent meets either of the following:

24 (1) Is named in the central register as the perpetrator
25 of a founded report of child abuse committed within the five-
26 year period immediately preceding verification pursuant to
27 this section or is named in the central register as the
28 perpetrator of a founded report for a school employee
29 committed within the five-year period immediately preceding
30 verification pursuant to this section.

1 (2) Has been found guilty of an offense listed in
2 [subsection (c) (2)] section 6344.3.

3 (p) Use of information.--A prospective adoptive parent may
4 not be approved if the prospective adoptive parent or an
5 individual [14] 18 years of age or older who resides for at
6 least 30 days in a calendar year with the prospective adoptive
7 parent meets either of the following:

8 (1) Is named in the central register as the perpetrator
9 of a founded report of child abuse committed within the five-
10 year period immediately preceding verification pursuant to
11 this section or is named in the central register as the
12 perpetrator of a founded report for a school employee
13 committed within the five-year period immediately preceding
14 verification pursuant to this section.

15 (2) Has been found guilty of an offense listed in
16 [subsection (c) (2)] section 6344.3.

17 Section 3. Sections 6344.1(c) and 6344.2 of Title 23 are
18 amended to read:

19 § 6344.1. Information relating to family day-care home
20 residents.

21 * * *

22 (c) Effect on registration.--The department shall refuse to
23 issue or renew a registration certificate or shall revoke a
24 registration certificate if the family day-care home provider or
25 individual 18 years of age or older who has resided in the home
26 for at least 30 days in a calendar year:

27 (1) is named in the central register on child abuse
28 established under [Chapter 63 (relating to child protective
29 services)] this chapter as the perpetrator of a founded
30 report committed within the immediately preceding five-year

1 period; or

2 (2) has been convicted of an offense enumerated in
3 section ~~[6344(e)] 6344.3(a)~~ [6344(C).] 6344.3 (relating to <--
4 grounds for denying employment or participation in program,
5 activity or service)-, IF THE OFFENSE WOULD CONSTITUTE <--
6 GROUNDS FOR DENYING EMPLOYMENT BASED ON THE DATE OF
7 EXPIRATION OF THE SENTENCE FOR THE OFFENSE.

8 * * *

9 § 6344.2. Information relating to other persons having contact
10 with children.

11 (a) Applicability.--[This section applies to prospective
12 employees applying to engage in occupations with a significant
13 likelihood of regular contact with children, in the form of
14 care, guidance, supervision or training. Such persons include
15 social service workers, hospital personnel, mental health
16 professionals, members of the clergy, counselors, librarians and
17 doctors.] This section applies to a person applying for a paid
18 or unpaid position as a person responsible for the welfare of a
19 child.

20 (b) Investigation.--Employers, administrators or supervisors
21 or other person responsible for employment decisions or
22 selection of volunteers shall require an applicant to submit to
23 all requirements set forth in section 6344(b) (relating to
24 information relating to prospective child-care personnel). An
25 employer, administrator, supervisor or other person responsible
26 for employment decisions or selection of volunteers regarding an
27 applicable prospective employee or volunteer under this section
28 that intentionally fails to require the submissions before
29 hiring that individual commits a misdemeanor of the third
30 degree.

1 (b.1) Exception.--A person responsible for the selection of
2 volunteers shall require an applicable prospective volunteer to
3 submit only the information required by section 6344(b) (1) and
4 (2), if both of the following apply:

5 (1) The position the prospective volunteer is applying
6 for is unpaid.

7 (2) The prospective volunteer has been a resident of
8 Pennsylvania during the entirety of the previous ten-year
9 period.

10 This subsection shall not be construed to prohibit any
11 organization from requiring prospective volunteers to submit the
12 information required by section 6344(b) (3).

13 (c) Grounds for denial.--Each applicant shall be subject to
14 the requirements of section [6344(c)] 6344.3 (relating to
15 grounds for denial of employment or participation in program,
16 service or activity).

17 (d) Departmental treatment of information.--Information
18 provided and compiled under this section by the department shall
19 be confidential and shall not be subject to the act of [June 21,
20 1957 (P.L.390, No.212), referred to] February 14, 2008 (P.L.6,
21 No.3), known as the Right-to-Know Law. This information shall
22 not be released except as permitted by the department through
23 regulation. The department may charge a fee to conduct a
24 certification as required by section 6344(b) (2) in accordance
25 with the provisions of section 6344(h). The department shall
26 promulgate regulations necessary to carry out this subsection.

27 Section 4. Title 23 is amended by adding sections to read:
28 § 6344.3. Grounds for denying employment or participation in
29 program, activity or service.

30 (a) Permanent ban.--No person subject to section 6344

1 (relating to information relating to prospective child-care
2 personnel) or 6344.2 (relating to information relating to other
3 persons having contact with children) shall be employed or serve
4 as a volunteer where the information under section 6344(b)
5 indicates that the person has been identified as follows:

6 (1) Convicted of an offense under one or more of the
7 following provisions of 18 Pa.C.S. (relating to crimes and
8 offenses):

9 Chapter 25 (relating to criminal homicide).

10 Section 2702 (relating to aggravated assault).

11 Section 2709.1 (relating to stalking).

12 Section 2901 (relating to kidnapping).

13 Section 2902 (relating to unlawful restraint).

14 Section 2910 (relating to luring a child into a motor
15 vehicle or structure).

16 Section 3121 (relating to rape).

17 Section 3122.1 (relating to statutory sexual
18 assault).

19 Section 3123 (relating to involuntary deviate sexual
20 intercourse).

21 Section 3124.1 (relating to sexual assault).

22 Section 3124.2 (relating to institutional sexual
23 assault).

24 Section 3125 (relating to aggravated indecent
25 assault).

26 Section 3126 (relating to indecent assault).

27 Section 3127 (relating to indecent exposure).

28 Section 3129 (relating to sexual intercourse with
29 animal).

30 Section 4302 (relating to incest).

1 Section 4303 (relating to concealing death of child).

2 Section 4304 (relating to endangering welfare of
3 children).

4 Section 4305 (relating to dealing in infant
5 children).

6 A felony offense under section 5902(b) (relating to
7 prostitution and related offenses).

8 Section 5903(c) or (d) (relating to obscene and other
9 sexual materials and performances).

10 Section 6301(a) (1) (ii) (relating to corruption of
11 minors).

12 Section 6312 (relating to sexual abuse of children).

13 Section 6318 (relating to unlawful contact with
14 minor).

15 Section 6319 (relating to solicitation of minors to
16 traffic drugs).

17 Section 6320 (relating to sexual exploitation of
18 children).

19 (2) Convicted of an offense similar in nature to those
20 crimes listed in paragraph (1) under the laws or former laws
21 of the United States or one of its territories or
22 possessions, another state, the District of Columbia, the
23 Commonwealth of Puerto Rico or a foreign nation, or under a
24 former law of this Commonwealth.

25 (3) Identified in the central register as the
26 perpetrator of a founded ~~or indicated~~ report of child abuse <--
27 that involved the sexual abuse or exploitation of a child, or
28 founded report for school employee ~~or indicated report for~~ <--
29 school employee that involved sexual abuse or exploitation of
30 a child.

1 (b) Temporary ten-year ban.--

2 (1) Subject to paragraph (2), no person subject to
3 section 6344 or 6344.2 shall be employed or serve as a
4 volunteer where the information under section 6344(b)
5 indicates that the person has been convicted of a felony
6 offense of the first, second or third degree for a crime
7 other than those enumerated under subsection (a), where the
8 victim is a child, or a felony offense under the act of April
9 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
10 Drug, Device and Cosmetic Act.

11 (2) The person under paragraph (1) shall be eligible for
12 prospective employment or service as a volunteer only if a
13 period of ten years has elapsed from the date of expiration
14 of the sentence for the offense.

15 (c) Temporary five-year ban.--

16 (1) Subject to paragraph (2), no person subject to
17 section 6344 or 6344.2 shall be employed or serve as a
18 volunteer where the information under section 6344(b)
19 indicates that the person has been:

20 (i) convicted of a misdemeanor of the first degree
21 for a crime, other than those enumerated under subsection
22 (a), where the victim is a child; or

23 (ii) identified in the central register as a
24 perpetrator of a founded report of child abuse other than
25 sexual abuse or exploitation or a founded report for
26 school employee other than sexual abuse or exploitation.

27 (2) The person under paragraph (1) shall be eligible for
28 prospective employment or service as a volunteer only if a
29 period of five years has elapsed from the date of:

30 (i) the expiration of the sentence for the offense

1 under paragraph (1)(i); or

2 (ii) identification under paragraph (1)(ii).

3 (d) Noninterference with decisions.--Nothing in this section
4 shall be construed to otherwise interfere with the ability of an
5 employer or program, activity or service to make employment,
6 discipline or termination decisions.

7 (e) Transfer.--Any person who has once obtained the
8 information required under this section may transfer or provide
9 services to another subsidiary or branch established and
10 supervised by the same organization and shall not be required to
11 obtain additional reports before making the transfer.

12 ~~(f) Departmental form.~~

<--

13 ~~(1) The department shall develop a standardized form to~~
14 ~~be used by current and prospective employees and volunteers~~
15 ~~for the written reporting by current and prospective~~
16 ~~employees or volunteers of any arrest or conviction for an~~
17 ~~offense enumerated under subsection (a)(1) or (2).~~

18 ~~(2) The form shall provide a space in which a current or~~
19 ~~prospective employee or volunteer who has not been convicted~~
20 ~~of or arrested for any such offense will respond "no~~
21 ~~conviction" and "no arrest."~~

22 ~~(3) The form shall provide that failure to accurately~~
23 ~~report any arrest or conviction for an offense enumerated~~
24 ~~under subsection (a) shall subject the current or prospective~~
25 ~~employee or volunteer to criminal prosecution under 18~~
26 ~~Pa.C.S. § 4904 (relating to unsworn falsification to~~
27 ~~authorities).~~

28 ~~(4) The department shall publish the form on its~~
29 ~~publicly accessible Internet website and in the Pennsylvania~~
30 ~~Bulletin.~~

1 ~~(g) Compliance by certain persons employed or serving.~~

2 ~~(1) By (the Legislative Reference Bureau shall insert~~
3 ~~here, in lieu of this statement, the date that is 90 days~~
4 ~~after the effective date of this subsection), all current~~
5 ~~employees and volunteers shall complete the form described in~~
6 ~~subsection (f), indicating whether or not they have been~~
7 ~~arrested or convicted of an offense enumerated under~~
8 ~~subsection (a) (1) or (2).~~

9 ~~(2) If, as required in paragraph (1), an employee or~~
10 ~~volunteer refuses to submit the form described in subsection~~
11 ~~(f), the person responsible for employment decisions or the~~
12 ~~administrator of a program, activity or service shall~~
13 ~~immediately require the employee or volunteer to submit the~~
14 ~~information set forth in section 6344(b).~~

15 ~~(h) Effect of new arrest or conviction.~~

16 (F) WRITTEN NOTICE OF NEW ARREST, CONVICTION OR <--
17 SUBSTANTIATED CHILD ABUSE.--

18 ~~(1) If an arrest or conviction for an offense enumerated~~ <--
19 ~~under subsection (a) (1) or (2) occurs after the effective~~
20 ~~date of this subsection~~ AN EMPLOYEE OR VOLUNTEER SUBJECT TO <--
21 SECTION 6344 OR 6344.2 IS ARRESTED OR CONVICTED FOR AN
22 OFFENSE THAT WOULD CONSTITUTE GROUNDS FOR DENYING EMPLOYMENT
23 OR PARTICIPATION IN A PROGRAM, ACTIVITY OR SERVICE UNDER THIS
24 SECTION, OR IS NAMED AS PERPETRATOR IN A FOUNDED OR INDICATED
25 REPORT OF CHILD ABUSE, the employee or volunteer shall
26 provide the administrator or designee with written notice
27 ~~utilizing the form provided for in subsection (f) not later~~ <--
28 ~~than 72 hours after an arrest or conviction~~ THE ARREST, <--
29 CONVICTION OR NOTIFICATION THAT THE PERSON HAS BEEN LISTED AS
30 A PERPETRATOR OF CHILD ABUSE IN THE STATEWIDE CENTRAL

1 REGISTER.

2 (2) If the person responsible for employment decisions
3 or the administrator of a program, activity or service has a
4 reasonable belief that an employee or volunteer was arrested
5 or has a conviction for an offense required to be reported <--
6 under paragraph (1) or subsection (g)(1) and the employee or
7 volunteer or prospective employee or volunteer OR CONVICTED <--
8 FOR AN OFFENSE THAT WOULD CONSTITUTE GROUNDS FOR DENYING
9 EMPLOYMENT OR PARTICIPATION IN A PROGRAM, ACTIVITY OR SERVICE
10 UNDER THIS SECTION, OR WAS NAMED AS PERPETRATOR IN A FOUNDED
11 OR INDICATED REPORT OF CHILD ABUSE, OR THE EMPLOYEE OR
12 VOLUNTEER has provided notice as required under this section,
13 the person responsible for employment decisions or
14 administrator of a program, activity or service shall
15 immediately require the employee or volunteer to submit
16 current information as required under subsection 6344(b). The
17 cost of the information set forth in subsection 6344(b) SHALL <--
18 be borne by the employing entity or program, activity or
19 service.

20 (i) Effect of noncompliance. <--

21 (1) An employee or volunteer who willfully fails to
22 disclose a conviction or an arrest for an offense enumerated
23 under subsection (a)(1) or (2) shall be subject to discipline
24 up to and including termination or denial of employment or
25 volunteer position and may be subject to criminal prosecution
26 under 18 Pa.C.S. § 4904.

27 (2) An employee or volunteer who willfully fails to
28 disclose a conviction of any other offense required to be
29 reported by this section may be subject to discipline and may
30 be subject to criminal prosecution under 18 Pa.C.S. § 4904.

1 (G) EFFECT OF NONCOMPLIANCE.--AN EMPLOYEE OR VOLUNTEER WHO <--
2 WILLFULLY FAILS TO DISCLOSE INFORMATION REQUIRED BY SUBSECTION
3 (F) (1) COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL BE
4 SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION OR DENIAL
5 OF EMPLOYMENT OR VOLUNTEER POSITION.

6 § 6344.4. Certification compliance.

7 (a) Obtaining new certifications.--A person identified in
8 section 6344(a) (1) (relating to information relating to
9 prospective child-care personnel) or ~~6344.2(a)~~ 6344.2 (relating <--
10 to information relating to other persons having contact with
11 children) shall be required to obtain the certifications
12 required in ~~subsection 6344(b)~~ BY THIS CHAPTER every 24 months. <--

13 (b) Reports of changes.--Within 48 hours, foster parents
14 shall report any change in information required pursuant to
15 section 6344(b) about themselves and any individuals over 18
16 years of age residing in their home for review by the foster
17 family care agency in accordance with section 6344.

18 Section 5. This act shall take effect in 60 days.