



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1276

PRINTERS NO. 1997

PRIME SPONSOR: Watson

### COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
General Fund	\$0	See Fiscal Impact

**SUMMARY:** House Bill 1276, Printer's Number 1997 amends Chapter 63 (Child Protective Services Law) of Title 23 to clarify certain requirements pertaining to criminal history background certifications for employees and volunteers. This legislation is effective immediately.

**ANALYSIS:** House Bill 1276 adds definitions of "institution of higher education," "adult family member," "direct volunteer contact," "immediate vicinity," "matriculated student," and "routine interaction" with the intent of more clearly identifying which individuals are required to comply with requirements of the law. Other definitions are streamlined to more appropriately align with the intent of the bill. Routine interaction is defined as regular and repeated contact that is integral to a person's employment or volunteer responsibilities. This legislation extends the time period for requiring a recertification for both employees and volunteers from every 36 months to every 60 months.

Exemptions from the background certification requirements are provided in a number of different circumstances. The following do not need to get the certifications:

- Employees who are administrative or support personnel and do not have direct contact with children.
- Employees of institutions of higher education if the direct contact is limited to all prospective students visiting campus regardless of age or matriculated students who are enrolled to attend classes and have received a high school diploma or its equivalent.
- Minor employees between the ages of 14 and 17 if they have lived in the Commonwealth for 10 years and their parent or legal guardian affirms the minor employee has not been convicted of a disqualifying crime (FBI exempt only).
- Employees or volunteers having a J-1 Visa if the employee or volunteer would hold a position for no longer than 90 days, has not been employed previously in the Commonwealth, another state, the District of Columbia or the Commonwealth of Puerto Rico and the employee or volunteer affirms in writing that there is no disqualifying crime.
- Student volunteers when they are:
  - enrolled in a school;

- not responsible for the child's welfare;
- volunteering for an event that occurs on school grounds and the event is sponsored by the school; and
- not responsible for children who are in the care of a child-care service.

Adult family members in family living homes, community homes for individuals with intellectual disabilities and host homes are added to the mandated reporting, training and certification requirements. These are all private residences where a social service agency contracts with one individual to provide the care. The individual entering into the contract is considered an employee and therefore already covered under the law, but others may live there and also share in the caregiving. Prospective adoptive parents must now also meet the requirements, and notification of any disqualifying events must be reported to the agency providing the adoption services.

Volunteers will now have the fees associated with the state certifications (Child Line and State Police) waived and will be permitted to receive a free certification every 57 months. Free volunteer certifications may not be used for employment. Employees may transfer their certifications so long as they are valid and the individual affirms they are not disqualified.

The Auditor General is given the ability to access child abuse reports in possession of an entity being audited. The Auditor General may not remove identifiable reports or copies from the department or county agency.

Additional clarification is added that a health care provider does not have to report withdrawal symptoms from prenatal drug exposure if the mother was:

- under the care of a prescribing medical professional; and
- using the drug as directed by the medical professional.

This legislation also adds a good faith presumption for volunteer organizations when identifying those volunteers who need clearances.

**FISCAL IMPACT:** According to information provided by the Governor's Budget Office, the elimination of fees for volunteers to obtain background checks will not require additional state funds to offset the loss of these fee revenues.

**PREPARED BY:** Ann Bertolino  
House Appropriations Committee (R)

**DATE:** June 30, 2015

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*