

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 184 Session of 1989

INTRODUCED BY EVANS, E. Z. TAYLOR, STUBAN, KUKOVICH, DeWEESE, KASUNIC, JOSEPHS, LESCOVITZ, RYBAK, PERZEL, CAWLEY, LETTERMAN, JAROLIN, WILLIAMS, THOMAS, DALEY, RITTER, HERMAN, ANGSTADT, McHALE, HAYDEN, MAIALE, JACKSON, D. R. WRIGHT, COWELL, FOX, TRELLO, MORRIS, NAHILL, RAYMOND, HAGARTY, CAPPABIANCA, CARN, TIGUE, BLAUM, BORTNER, GIGLIOTTI, PRESTON, MELIO, HOWLETT, PISTELLA, LaGROTTA, STISH, LEVDANSKY, MARKOSEK, HALUSKA, HARPER, OLIVER, ROEBUCK, TRICH, BELARDI, LINTON, RUDY, DOMBROWSKI, GLADECK AND KOSINSKI, JANUARY 31, 1989

REFERRED TO COMMITTEE ON YOUTH AND AGING, JANUARY 31, 1989

## 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 the  
4 regulation of family day-care providers; providing for  
5 certain expenditures; conferring powers and duties upon the  
6 Department of Public Welfare; and making repeals.

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

9 Section 1. The definition of "children's institutions" in  
10 section 901 of the act of June 13, 1967 (P.L.31, No.21), known  
11 as the Public Welfare Code, amended December 5, 1980 (P.L.1112,  
12 No.193), is amended to read:

13 Section 901. Definitions.--As used in this article--

14 "Children's institutions" means any incorporated or  
15 unincorporated organization, society, corporation or agency,  
16 public or private, which may receive or care for children, or

1 place them in foster family homes, either at board, wages or  
2 free; or any individual who, for hire, gain or reward, receives  
3 for care a child, unless he is related to such child by blood or  
4 marriage within the second degree; or any individual, not in the  
5 regular employ of the court or of an organization, society,  
6 association or agency, duly certified by the department, who in  
7 any manner becomes a party to the placing of children in foster  
8 homes, unless he is related to such children by blood or  
9 marriage within the second degree, or is the duly appointed  
10 guardian thereof. [The term shall not include a family day care  
11 home in which care is provided in lieu of parental care to six  
12 or less children for part of a twenty-four hour day.]

13 \* \* \*

14 Section 2. Section 1001 of the act is amended by adding  
15 definitions to read:

16 Section 1001. Definitions.--As used in this article--

17 \* \* \*

18 "Agency-affiliated family day care home" means a family day  
19 care home which operates under the auspices of a family day care  
20 agency through a contractual arrangement with a family day care  
21 home.

22 \* \* \*

23 "Family day care agency" means a social service agency which  
24 administers family day care programs, including the recruitment,  
25 screening and selection of family day care homes, and which,  
26 through contractual arrangements with family caregivers,  
27 performs administrative functions that include, but are not  
28 limited to, training of caregivers; technical assistance; intake  
29 and referral of children to family day care homes; monitoring  
30 and inspection of the agency's family day care homes; evaluation

1 of children's development, the family caregiver's daily program  
2 and the family caregiver; consultation and assistance to parents  
3 and children; referral of children and parents to health and  
4 social services when appropriate; and furnishing child care  
5 equipment to family day care homes.

6 "Family day care home" means any home in which child day care  
7 is provided at any one time to four through six children who are  
8 not relatives of the caregiver.

9 \* \* \*

10 Section 3. The act is amended by adding sections to read:

11 Section 1010. Additional Requirements for Family Day Care  
12 Homes.--(a) In a family day care home, all of the following  
13 apply:

14 (1) There may be no more than six children under six years  
15 of age in care. This clause includes foster children and  
16 relatives of the caregiver.

17 (2) There may be no more than two children under 18 months  
18 of age in care. This clause includes foster children and  
19 relatives of the caregiver.

20 (3) During the school year, a family day care home may  
21 provide care for an additional three school-aged children,  
22 unrelated to the caregiver, who are under 13 years of age.

23 (4) Each floor level used by children in a family day care  
24 home must have at least two exits, one of which may be a window.  
25 At least one exit from each floor level must provide a direct  
26 means of unobstructed travel to the outside at street or ground  
27 level.

28 (5) A window of a type which may be readily opened and of  
29 proper size and design to allow for evacuation must be provided  
30 as a second exit. The window shall be kept unlocked and

1 unobstructed.

2 (6) A room or space, including an attic, which is accessible  
3 only by a ladder, folding stairway or through a trap door may  
4 not be used by children.

5 (7) A family day care home caregiver shall have an initial  
6 health assessment structured to identify health conditions which  
7 would adversely affect the caregiver's ability to provide child  
8 care. The same health requirements shall apply to other members  
9 of the caregiver's household who have direct contact with any  
10 child in care. The caregiver shall be required to report to the  
11 department any significant changes in health status that would  
12 adversely affect the caregiver's ability to provide child care.

13 (8) A family day care home caregiver must be at least 21  
14 years of age.

15 (b) Family day care homes shall comply with regulations  
16 promulgated by the department under section 1013.

17 (c) An agency-affiliated family day care home is not  
18 required to apply for a separate license as a family day care  
19 home. Under the supervision of a family day care agency, an  
20 agency-affiliated family day care center shall comply with this  
21 section.

22 Section 1011. Regulations.--(a) The department has the  
23 power and duty to promulgate regulations to provide for  
24 licensing of family day care homes and family day care agencies  
25 to provide for their operation under standards set forth in  
26 section 1010(a).

27 (b) In the development of regulations, the department shall  
28 use as a guideline standards and recommendations on family day  
29 care and family day care home providers that have been developed  
30 by the Child Welfare League of America and the National

1 Association for the Education of Young Children.

2 Section 1012. Public Information.--The department shall take  
3 initiatives to educate the citizens of this Commonwealth to look  
4 for and use licensed day care facilities.

5 Section 4. Sections 1070, 1071, 1072, 1073, 1074, 1075,  
6 1076, 1077, 1078, 1079 and 1080 of the act are repealed.

7 Section 5. The Department of Public Welfare shall comply  
8 with the following time schedules:

9 (1) Within 90 days of the effective date of this  
10 section, the department shall submit proposed rulemaking  
11 under section 3 (section 1011) to the Legislative Reference  
12 Bureau for publication in the Pennsylvania Bulletin.

13 (2) Within 180 days of the effective date of this  
14 section, the department shall submit final rulemaking on the  
15 proposal under paragraph (1) to the Legislative Reference  
16 Bureau for publication in the Pennsylvania Bulletin. The  
17 regulation shall take effect within one year of the effective  
18 date of this section.

19 Section 6. This act shall take effect as follows:

20 (1) Section 3 (section 1011) and section 5 shall take  
21 effect immediately.

22 (2) Section 4 (sections 1070 through 1080) shall take  
23 effect upon the effective date of the regulations promulgated  
24 under section 5.

25 (3) The remainder of this act shall take effect in one  
26 year.