
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1156 Session of
2015

INTRODUCED BY SABATINA, VULAKOVICH, RAFFERTY, SCHWANK, COSTA,
FOLMER, FONTANA, BARTOLOTTA, RESCHENTHALER, TARTAGLIONE,
KITCHEN, BREWSTER, BROWNE, HUGHES AND BOSCOLA, MARCH 22, 2016

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 22, 2016

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, for disposition and expunction of
4 unfounded reports and general protective services reports,
5 for employees having contact with children and adoptive and
6 foster parents, for volunteers having contact with children
7 and for recertification.

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

10 Section 1. The definitions of "institution of higher
11 education," "matriculated student" and "school" in section
12 6303(a) of Title 23 of the Pennsylvania Consolidated Statutes,
13 amended or added July 1, 2015 (P.L.94, No.15), are amended and
14 subsection (a) is amended by adding a definition 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 * * *

20 "Health care personnel." Includes any of the following:

1 (1) A health care provider, including a health care
2 provider who provides health care services in a health care
3 facility.

4 (2) An employee of a health care facility.

5 (3) An emergency medical services vehicle operator as
6 defined in 35 Pa.C.S. § 8103 (relating to definitions).

7 (4) An emergency medical services provider as defined in
8 35 Pa.C.S. § 8103.

9 (5) An ambulance attendant as defined in 35 Pa.C.S. §
10 8103.

11 The term does not apply to services provided by administrative
12 or other support personnel unless the administrative or other
13 support personnel have direct contact with children.

14 * * *

15 "Institution of [higher] postsecondary education." Any of
16 the following:

17 (1) A community college which is an institution now or
18 hereafter created pursuant to Article XIX-A of the act of
19 March 10, 1949 (P.L.30, No.14), known as the Public School
20 Code of 1949, or the act of August 24, 1963 (P.L.1132,
21 No.484), known as the Community College Act of 1963.

22 (2) An independent institution of higher education which
23 is an institution of higher education located in and
24 incorporated or chartered by the Commonwealth, entitled to
25 confer degrees as set forth in 24 Pa.C.S. § 6505 (relating to
26 power to confer degrees) and entitled to apply to itself the
27 designation "college," "university" or "seminary" as provided
28 for by standards and qualifications prescribed by the State
29 Board of Education under 24 Pa.C.S. Ch. 65.

30 (3) A State-owned institution.

1 (4) A State-related institution.

2 (5) An education enterprise.

3 (6) A private school licensed under the act of December
4 15, 1986 (P.L.1585, No.174), known as the Private Licensed
5 Schools Act.

6 * * *

7 "Matriculated student." A student who is enrolled in an
8 institution of [higher] postsecondary education and pursuing a
9 program of study that results in a postsecondary credential,
10 such as a certificate, diploma or degree.

11 * * *

12 "School." A facility providing elementary, secondary or
13 postsecondary educational services. The term includes the
14 following:

15 (1) Any school of a school district.

16 (2) An area vocational-technical school.

17 (3) A joint school.

18 (4) An intermediate unit.

19 (5) A charter school or regional charter school.

20 (6) A cyber charter school.

21 (7) A private school licensed under the act of January
22 28, 1988 (P.L.24, No.11), known as the Private Academic
23 Schools Act.

24 (8) A private school accredited by an accrediting
25 association approved by the State Board of Education.

26 (9) A nonpublic school.

27 (10) An institution of [higher] postsecondary education.

28 [(14) A private school licensed under the act of
29 December 15, 1986 (P.L.1585, No.174), known as the Private
30 Licensed Schools Act.]

1 (15) The Hiram G. Andrews Center.

2 (16) A private residential rehabilitative institution as
3 defined in section 914.1-A(c) of the Public School Code of
4 1949.

5 * * *

6 Section 2. Section 6337(d) of Title 23 is amended to read:
7 § 6337. Disposition and expunction of unfounded reports and
8 general protective services reports.

9 * * *

10 (d) Expunction of valid general protective services
11 reports.--Information concerning valid general protective
12 services reports shall be maintained in the Statewide database
13 as follows:

14 (1) Reports that are assessed by the county agency and
15 are determined to be valid, but are not accepted for
16 services, shall be reported to the department and entered
17 into the Statewide database. The reports shall be maintained
18 for a period of [five] 10 years or until the child who is the
19 subject of the report attains 23 years of age, whichever
20 occurs first. Following the expiration of [five] 10 years
21 after the date the report was received by the department or
22 when the child who is the subject of the report attains 23
23 years of age, whichever occurs first, the report shall be
24 expunged from the Statewide database as soon as possible, but
25 no later than 120 days after the [five-year] 10-year period
26 following the date the report was received by the department
27 or 120 days after the child who is the subject of the report
28 attains 23 years of age, whichever occurs first.

29 (2) Reports that are assessed by the county agency and
30 accepted for services shall be reported to the department and

1 entered into the Statewide database. The reports shall be
2 maintained for a period of [five] 10 years after the closure
3 of services by the county agency or until the child who is
4 the subject of the report attains 23 years of age, whichever
5 occurs first. Following the expiration of [five] 10 years
6 after the closure of services by the county agency or when
7 the child who is the subject of the report attains 23 years
8 of age, whichever occurs first, the report shall be expunged
9 from the Statewide database as soon as possible, but no later
10 than 120 days after the [five-year] 10-year period following
11 the closure of services by the county agency or 120 days
12 after the child who is the subject of the report attains 23
13 years of age, whichever occurs first.

14 (3) The expunction of information on general protective
15 services under this subsection shall be mandated and
16 guaranteed by the department.

17 * * *

18 Section 3. Section 6344(a.1)(2), (b) and (b.1) of Title 23,
19 amended July 1, 2015 (P.L.94, No.15), are amended and subsection
20 (a) is amended by adding paragraphs to read:

21 § 6344. Employees having contact with children; adoptive and
22 foster parents.

23 (a) Applicability.--Beginning December 31, 2014, this
24 section applies to the following individuals:

25 * * *

26 (9) An individual 18 years of age or older who is
27 applying for or holding a paid position as health care
28 personnel and is a person responsible for the child's welfare
29 or having direct contact with children.

30 (10) An individual who is a member of the clergy and is

1 a person responsible for the child's welfare or having direct
2 contact with children.

3 (a.1) School employees.--This section shall apply to school
4 employees as follows:

5 * * *

6 (2) (i) School employees not governed by the provisions
7 of the Public School Code of 1949 shall be governed by
8 this section.

9 (ii) This paragraph shall not apply to an employee
10 of an institution of [higher] postsecondary education
11 whose direct contact with children, in the course of
12 employment, is limited to either:

13 (A) prospective students visiting a campus
14 operated by the institution of [higher] postsecondary
15 education; or

16 (B) matriculated students who are enrolled with
17 the institution.

18 (iii) The exemption under subparagraph (ii) (B) shall
19 not apply to students who are enrolled in a secondary
20 school.

21 * * *

22 (b) Information to be submitted.--An individual identified
23 in subsection (a) (7) or (8) at the time the individual meets the
24 description set forth in subsection (a) (7) or (8) and an
25 individual identified in subsection (a) (1), (2), (3), (4), (5)
26 [or], (6), (9) or (10), (a.1) or (a.2) prior to the commencement
27 of employment or service or in accordance with section 6344.4
28 shall be required to submit the following information to an
29 employer, administrator, supervisor or other person responsible
30 for employment decisions or involved in the selection of

1 volunteers:

2 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal
3 history record information), a report of criminal history
4 record information from the Pennsylvania State Police or a
5 statement from the Pennsylvania State Police that the State
6 Police central repository contains no such information
7 relating to that person. The criminal history record
8 information shall be limited to that which is disseminated
9 pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general
10 regulations).

11 (2) A certification from the department as to whether
12 the applicant is named in the Statewide database as the
13 alleged perpetrator in a pending child abuse investigation or
14 as the perpetrator of a founded report or an indicated
15 report.

16 (3) A report of Federal criminal history record
17 information. The applicant shall submit a full set of
18 fingerprints to the Pennsylvania State Police for the purpose
19 of a record check, and the Pennsylvania State Police or its
20 authorized agent shall submit the fingerprints to the Federal
21 Bureau of Investigation for the purpose of verifying the
22 identity of the applicant and obtaining a current record of
23 any criminal arrests and convictions.

24 (b.1) Required documentation to be maintained and
25 produced.--The employer, administrator, supervisor or other
26 person responsible for employment decisions or acceptance of the
27 individual to serve in any capacity identified in subsection (a)
28 (1), (2), (3), (4), (5) [or], (6), (9) or (10), (a.1) or (a.2)
29 shall maintain a copy of the required information and require
30 the individual to submit the required documents prior to

1 employment or acceptance to serve in any such capacity or as
2 required in section 6344.4, except as allowed under subsection
3 (m).

4 * * *

5 Section 4. Section 6344.2(a) of Title 23, amended July 1,
6 2015 (P.L.94, No.15), is amended to read:

7 § 6344.2. Volunteers having contact with children.

8 (a) Applicability.--This section applies to an adult
9 applying for or holding an unpaid position as a volunteer as
10 health care personnel or with a child-care service, a school or
11 a program, activity or service, as a person responsible for the
12 child's welfare or having direct volunteer contact with
13 children.

14 * * *

15 Section 5. Section 6344.4(1) introductory paragraph and (i)
16 of Title 23, amended July 1, 2015 (P.L.94, No.15), is amended
17 and the section is amended by adding a paragraph to read:

18 § 6344.4. Recertification.

19 New certifications shall be obtained in accordance with the
20 following:

21 (1) [Effective] Except as provided in paragraph (4),
22 effective December 31, 2014:

23 (i) [Except as provided in subparagraph (v), a] A
24 person identified in section 6344 (relating to employees
25 having contact with children; adoptive and foster
26 parents) shall be required to obtain the certifications
27 required by this chapter every 60 months.

28 * * *

29 (4) Effective August 1, 2016:

30 (i) A person identified in section 6344(a)(9) or

1 (10) and health care personnel under section 6344.2(a)
2 shall be required to obtain the certifications required
3 by this chapter every 60 months.

4 (ii) Any person identified in section 6344(a)(9) or
5 (10) and health care personnel under section 6344.2(a)
6 with a current certification issued prior to the
7 effective date of this paragraph shall be required to
8 obtain the certifications required by this chapter within
9 60 months from the date of the person's oldest
10 certification or, if the current certification is older
11 than 60 months, no later than December 31, 2016.

12 (iii) A person identified in section 6344(a)(9) or
13 (10) and health care personnel under section 6344.2(a)
14 without a certification, including a person who was
15 previously not required to have a certification, shall be
16 required to obtain the certifications required by this
17 chapter no later than December 31, 2016.

18 Section 6. This act shall take effect immediately.