

AMENDMENTS TO HOUSE BILL NO. 1276

Sponsor: REPRESENTATIVE CONKLIN

Printer's No. 1686

1 Amend Bill, page 1, line 7, by inserting after "parents,"
2 for information relating to certified or registered day-care
3 home residents,

4 Amend Bill, page 1, line 9, by inserting after "compliance"
5 , for education and training

6 Amend Bill, page 2, line 8, by inserting a bracket before
7 "day-care"

8 Amend Bill, page 2, line 8, by inserting after "day-care"
9] child-care

10 Amend Bill, page 5, line 17, by inserting after "amended"
11 and the subsection is amended by adding a paragraph

12 Amend Bill, page 5, by inserting after line 30

13 (16) An adult household member who is a person
14 responsible for the child's welfare and provides services to
15 a child in a family living home, community home for
16 individuals with an intellectual disability or host home for
17 children which are subject to licensure by the department
18 under Articles IX and X of the act of June 13, 1967 (P.L.31,
19 No.21), known as the Public Welfare Code.

20 Amend Bill, page 6, line 9, by inserting a bracket before
21 "registered"

22 Amend Bill, page 6, line 9, by inserting after "day-care"
23] licensed child-care

24 Amend Bill, page 7, line 1, by inserting after "General"

25 may have access to only the reports in the possession of
26 the entity being audited and

27 Amend Bill, page 7, lines 4 and 5, by striking out "and (d)"

1 (6)" and inserting

2 , (d)(4.1), (5), (6)

3 Amend Bill, page 7, line 5, by inserting after "(8)"

4 and (e)

5 Amend Bill, page 7, lines 6 and 7, by striking out "a

6 subsection" and inserting

7 subsections

8 Amend Bill, page 8, by inserting between lines 5 and 6

9 (8) An individual 18 years of age or older who resides
10 for at least 30 days in a calendar year in the following
11 homes which are subject to licensure by the department under
12 Articles IX and X of the act of June 13, 1967 (P.L.31,
13 No.21), known as the Public Welfare Code:

14 (i) A family living home.

15 (ii) A community home for individuals with an
16 intellectual disability.

17 (iii) A host home for children.

18 This paragraph does not include an individual with an
19 intellectual disability or chronic psychiatric disability
20 receiving services in a home.

21 Amend Bill, page 11, by inserting between lines 7 and 8

22 (4.1) If a foster parent, prospective adoptive parent,
23 or an individual over 18 years of age residing in the home is
24 arrested for or convicted of an offense that would constitute
25 grounds for denying approval under this chapter or is named
26 as a perpetrator in a founded or indicated report, the foster
27 parent or prospective adoptive parent shall provide the
28 foster family care agency or the agency listed to provide
29 adoption services with written notice not later than 72 hours
30 after the arrest, conviction or notification that the [foster
31 parent] individual was named as a perpetrator in the
32 Statewide database.

33 (5) Foster parents and prospective adoptive parents
34 shall be required to report any other change in the [foster]
35 family household composition within 30 days of the change for
36 review by the foster family care agency or the agency listed
37 to provide adoption services. If any individual over 18 years
38 of age, who has resided outside this Commonwealth at any time
39 within the previous five-year period, begins residing in the
40 home of an approved foster family or a prospective adoptive
41 family, that individual shall, within 30 days of beginning
42 residence, submit to the foster family care agency or the
43 agency listed to provide adoption services a certification
44 obtained from the Statewide database, or its equivalent in

1 each state in which the person has resided within the
2 previous five-year period, as to whether the person is named
3 as a perpetrator. If the certification shows that the person
4 is named as a perpetrator within the previous five-year
5 period, the foster family care agency or the agency listed to
6 provide adoption services shall forward the certification to
7 the department for review. If the department determines that
8 the person is named as the equivalent of a perpetrator of a
9 founded report within the previous five-year period and the
10 person does not cease residing in the home immediately, the
11 county agency shall immediately seek court authorization to
12 remove the foster child or children from the home. In
13 emergency situations when a judge cannot be reached, the
14 county agency shall proceed in accordance with the
15 Pennsylvania Rules of Juvenile Court Procedure.

16 Amend Bill, page 12, by inserting between lines 27 and 28

17 (d.3) Family living homes, community homes for individuals
18 with an intellectual disability and host homes.--

19 (1) The following shall apply to an individual over 18
20 years of age residing in a family living home, a community
21 home for individuals with an intellectual disability or a
22 host home providing community residential rehabilitation
23 services, which are subject to licensure by the department
24 under Articles IX and X of the Public Welfare Code:

25 (i) If an individual is arrested for or convicted of
26 an offense that would constitute grounds for denying
27 approval under this chapter, or is named as a perpetrator
28 in a founded or indicated report, the individual shall
29 provide the agency with written notice not later than 72
30 hours after the arrest, conviction or notification that
31 the individual was named as a perpetrator in the
32 Statewide database.

33 (ii) The adult household member who is providing
34 services to a child in the home shall be required to
35 report any other change in the household composition
36 within 30 days of the change for review by the agency. If
37 any individual over 18 years of age, who has resided
38 outside this Commonwealth at any time within the previous
39 five-year period, begins residing in the home, that
40 individual shall, within 30 days of beginning residence,
41 submit to the agency a certification obtained from the
42 Statewide database, or its equivalent in each state in
43 which the individual has resided within the previous
44 five-year period, as to whether the person is named as a
45 perpetrator. If the certification shows that the person
46 is named as a perpetrator within the previous five-year
47 period, the agency shall forward the certification to the
48 department for review.

49 (2) This subsection shall not apply to an individual

1 with an intellectual disability or chronic psychiatric
2 disability receiving services in a home.

3 (3) As used in this subsection, the term "agency" means
4 a family living home agency, community home agency for
5 individuals with an intellectual disability or a host home
6 agency.

7 (e) Self-employed family [day-care] child-care providers.--
8 Self-employed family [day-care] child-care providers who apply
9 for a [certificate of registration] license with the department
10 shall submit with their [registration] licensure application the
11 information set forth under subsection (b) for review in
12 accordance with this section.

13 * * *

14 Section 6. Section 6344.1 heading, (a) and (c) of Title 23
15 are amended to read:

16 § 6344.1. Information relating to certified or [registered day-
17 care] licensed child-care home residents.

18 (a) General rule.--In addition to the requirements of
19 section 6344 (relating to employees having contact with
20 children; adoptive and foster parents), an individual who
21 applies to the department for a certificate of compliance or a
22 [registration certificate] license to provide child day care in
23 a residence shall include criminal history record and child
24 abuse record information required under section 6344(b) for
25 every individual 18 years of age or older who resides in the
26 home for at least 30 days in a calendar year.

27 * * *

28 (c) Effect on certification or [registration] licensure.--
29 The department shall refuse to issue or renew a certificate of
30 compliance or [registration certificate] license or shall revoke
31 a certificate of compliance or [registration certificate]
32 license if the day-care home provider or individual 18 years of
33 age or older who has resided in the home for at least 30 days in
34 a calendar year:

35 (1) is named in the Statewide database as the
36 perpetrator of a founded report committed within the
37 immediately preceding five-year period; or

38 (2) has been convicted of an offense enumerated in
39 section 6344(c).

40 * * *

41 Amend Bill, page 12, line 28, by striking out "6" and
42 inserting

43 7

44 Amend Bill, page 17, by inserting between lines 27 and 28

45 Section 8. Section 6383(c)(1), (2) and (3) of Title 23 are
46 amended to read:

47 § 6383. Education and training.

1 * * *

2 (c) Training of persons subject to department regulation.--

3 (1) The following persons shall be required to meet the
4 child abuse recognition and reporting training requirements
5 of this subsection:

6 (i) Operators of institutions, facilities or
7 agencies which care for children and are subject to
8 supervision by the department under Article IX of the
9 Public Welfare Code, and their employees who have direct
10 contact with children.

11 (ii) Foster parents.

12 (iii) Operators of facilities and agencies which
13 care for children and are subject to licensure by the
14 department under Article X of the Public Welfare Code and
15 their employees who have direct contact with children.

16 (iv) Caregivers in family [day care] child-care
17 homes which are subject to [registration] licensure by
18 the department under [Subarticle (c) of] Article X of the
19 Public Welfare Code and their employees who have direct
20 contact with children.

21 (v) The adult household member who is a person
22 responsible for the child's welfare and is providing
23 services to a child in a family living home, a community
24 homes for individuals with an intellectual disability or
25 a host home which are subject to licensure by the
26 department under Articles IX and X of the Public Welfare
27 Code.

28 (2) Within six months of the effective date of this
29 subsection, operators and caregivers shall receive three
30 hours of training prior to the issuance of a license[,]
31 or approval [or registration] certificate and three hours of
32 training every five years thereafter.

33 (3) Employees who have direct contact with children and
34 foster parents shall receive three hours of training within
35 six months of the issuance of a license[,]
36 or approval [or registration] certificate and three hours of training every
37 five years thereafter. New employees and new foster parents
38 shall receive three hours of training within 90 days of hire
39 or approval as a foster parent and three hours of training
40 every five years thereafter.

41 * * *

42 Amend Bill, page 17, line 28, by striking out "7" and
43 inserting

44 9

45 Amend Bill, page 18, line 16, by striking out "8" and
46 inserting

47 10