

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1964

Session of
1999

INTRODUCED BY WILLIAMS, GODSHALL, PISTELLA AND SCHULER,
OCTOBER 12, 1999

AS REPORTED FROM COMMITTEE ON AGING AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 10, 1999

AN ACT

1 Providing for production of child-care certification and
2 licensing documents; requiring child day-care personnel to
3 provide criminal and child abuse history information; and
4 conferring powers and duties on the Department of Public
5 Welfare.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Child-care
10 ~~Facilities Supervision~~ BACKGROUND CHECK Act. <—

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Child day care." Care in lieu of parental care given for
16 part of a 24-hour day to a child under 16 years of age away from
17 the child's home. The term does not include care in lieu of
18 parental care given to a child under 16 years of age in a place

1 of worship during religious services.

2 "Department." The Department of Public Welfare of the
3 Commonwealth.

4 "Family day-care home." A home in which day care is provided
5 at any one time to four, five or six children who are not
6 relatives of the provider of the child day care and which is
7 registered under the act of June 13, 1967 (P.L.31, No.21), known
8 as the Public Welfare Code.

9 Section 3. Request for production of documents.

10 During any and all inspections, or investigations of any
11 complaint, of any person or facility that provides any type of
12 child care, the individual or individuals required to conduct
13 the inspection or investigation shall specifically request
14 production of any and all documents pertaining to child-care
15 certification or licensing OR ANY OTHER DOCUMENTATION that have <—
16 been issued by any Federal, State or local government entity to
17 the child-care provider.

18 Section 4. Family day-care homes.

19 (a) Criminal and child abuse history information.--In
20 addition to the requirements of 23 Pa.C.S. § 6344 (relating to
21 information relating to prospective child-care personnel), an
22 individual who applies to the department for a registration
23 certificate to operate a family day-care home shall include
24 criminal and child abuse reports required by 23 Pa.C.S. §
25 6344(b) for every individual 18 years of age or older who
26 resides in the home for at least 30 days in a calendar year.

27 (b) Nonissuance, nonrenewal or revocation of registration.--
28 The department shall refuse to issue or renew a registration
29 certificate or shall revoke a registration certificate if the
30 family day-care home provider, an employee of the provider or

1 individual 18 years of age or older who has resided in the home
2 for 30 days in a calendar year:

3 (1) Is named in the Statewide central register of child
4 abuse established under 23 Pa.C.S. Ch. 63 (relating to child
5 protective services) as the perpetrator of ~~an indicated or A~~ <—
6 founded report of child abuse committed within the
7 immediately preceding five-year period.

8 (2) Is named ~~in an indicated or~~ AS THE PERPETRATOR OF A <—
9 founded report for a school employee, as defined in 23
10 Pa.C.S. § 6303 (relating to definitions), committed within
11 the immediately preceding five-year period.

12 (3) Has been convicted of an offense set forth in 23
13 Pa.C.S. § 6344(c).

14 Section 5. Other child-care personnel.

15 (a) Criminal and child abuse history information.--The
16 department shall require to be submitted to the department
17 criminal and child abuse history information as set forth in 23
18 Pa.C.S. § 6344(b) (relating to information relating to
19 prospective child-care personnel) for the following individuals:

20 (1) Any individual who directly provides child-care
21 services which are subsidized by Federal or Commonwealth
22 funds but who is not otherwise subject to approval, <—
23 SUPERVISION or licensure under Article IX or X of the act of
24 June 13, 1967 (P.L.31, No.21), known as the Public Welfare
25 Code.

26 (2) Any individual 18 years of age or older who resides
27 in the home of an individual under paragraph (1) for at least
28 30 days in a calendar year.

29 (b) Use of funds.--The department shall refuse to authorize
30 the use of Federal or Commonwealth funds to individuals who are

1 not otherwise required to be licensed or registered by the
2 department to provide child-care services if the department
3 finds that an individual listed in subsection (a)(1) or (2):

4 (1) Is named in the Statewide central register of child
5 abuse as the perpetrator of ~~an indicated or~~ A founded report <—
6 of child abuse committed within the immediately preceding
7 five-year period.

8 (2) Is named ~~in an indicated or~~ AS THE PERPETRATOR OF A <—
9 founded report for school employee, as defined in 23 Pa.C.S.
10 § 6303 (relating to definitions), committed within the
11 immediately preceding five-year period.

12 (3) Has been convicted of an offense set forth in 23
13 Pa.C.S. § 6344(c).

14 Section 6. Effective date.

15 This act shall take effect as follows:

16 (1) Section 3 and this section shall take effect
17 immediately.

18 (2) The remainder of this act shall take effect in 60
19 days.