

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 406 Session of  
2009

INTRODUCED BY YOUNGBLOOD, CRUZ, BEYER, BISHOP, DONATUCCI,  
FRANKEL, KORTZ, MELIO, MURT, M. O'BRIEN, PAYNE, READSHAW,  
SABATINA, SIPTROTH, STABACK, WAGNER, WATSON AND WHITE,  
FEBRUARY 13, 2009

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 13, 2009

AN ACT

1 Providing for visitation and inspection of family day-care homes  
2 and for reporting; and making a repeal.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Family Day-  
7 Care Home Inspection Act.

8 Section 2. Definitions.

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

12 "Child day care." As defined by section 1070 of the act of  
13 June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

14 "Department." The Department of Public Welfare of the  
15 Commonwealth.

16 "Family day-care home." As defined by section 1070 of the  
17 act of June 13, 1967 (P.L.31, No.21), known as the Public

1 Welfare Code.

2 Section 3. Visitation and inspection.

3 (a) General rule.--The department or authorized agent of the  
4 department shall have the right to enter, visit and inspect any  
5 family day-care home registered or requiring registration under  
6 Article X of the act of June 13, 1967 (P.L.31, No.21), known as  
7 the Public Welfare Code, and shall have free and full access to  
8 the premises, where children are cared for, all records of the  
9 premises which relate to the children's care and the children  
10 cared for in the family day-care home and full opportunity to  
11 speak with or observe the children.

12 (b) Frequency.--The department shall inspect each family  
13 day-care home at least once every two years to determine  
14 compliance with applicable regulations and laws.

15 Section 4. Response to complaints.

16 The department shall by regulation set forth time frames for  
17 the department's response to and investigation of complaints  
18 involving a family day-care home. Time frames shall take into  
19 consideration the circumstances described in each complaint and  
20 possible risk of harm to the health or safety of a child  
21 receiving child day care in the family day-care home.

22 Section 5. Annual report on inspections.

23 No later than May 1 of each year, the department shall  
24 publish a report summarizing its inspections relating to family  
25 day-care homes and enforcement of applicable laws and  
26 regulations. As part of its report, the department shall  
27 identify:

28 (1) The number of registered family day-care homes.

29 (2) The number of inspectors available to inspect family  
30 day-care homes.

- 1           (3) The types of complaints received.
- 2           (4) Violations investigated by the department.
- 3           (5) Penalties applied for violations.
- 4           (6) Effectiveness in enforcing compliance with laws and
- 5 regulations.
- 6           (7) Quality assurance practices to ensure objectivity of
- 7 inspectors.
- 8           (8) Any recommendations.

9 Section 6. Repeal.

10       (a) Declaration.--The General Assembly hereby declares that  
11 the repeal under subsection (b) is necessary to effectuate the  
12 provisions of this act.

13       (b) Repeal.--Section 1074 of the act of June 13, 1967 (P.L.  
14 31, No.21), known as the Public Welfare Code, is repealed.

15 Section 7. Effective date.

16       This act shall take effect in one year.