

## 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

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 10, 2010

## 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

1 act of June 13, 1967 (P.L.31, No.21), known as the Public  
2 Welfare Code.

3 Section 3. Visitation and inspection.

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

13 ~~(b) Frequency.~~ The (B) FREQUENCY.--



14 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2) THE department  
15 shall inspect each family day-care home at least once every  
16 two years to determine compliance with applicable regulations  
17 and laws.

18 (2) BIENNIAL INSPECTIONS SHALL BE PHASED IN OVER A FOUR-  
19 YEAR PERIOD AS FOLLOWS:



20 (I) A MINIMUM 25% OF REGISTERED FAMILY DAY-CARE  
21 HOMES SHALL BE INSPECTED WITHIN ONE YEAR OF THE EFFECTIVE  
22 DATE OF THIS SECTION.

23 (II) A MINIMUM OF 50% OF REGISTERED FAMILY DAY-CARE  
24 HOMES SHALL BE INSPECTED WITHIN TWO YEARS OF THE  
25 EFFECTIVE DATE OF THIS SECTION.

26 (III) A MINIMUM OF 75% OF REGISTERED FAMILY DAY-CARE  
27 HOMES SHALL BE INSPECTED WITHIN THREE YEARS OF THE  
28 EFFECTIVE DATE OF THIS SECTION.

29 (IV) ALL REGISTERED FAMILY DAY-CARE HOMES SHALL BE  
30 INSPECTED WITHIN FOUR YEARS OF THE EFFECTIVE DATE OF THIS

1 SECTION.

2 Section 4. Response to complaints.

3 The department shall by regulation set forth time frames for  
4 the department's response to and investigation of complaints  
5 involving a family day-care home. Time frames shall take into  
6 consideration the circumstances described in each complaint and  
7 possible risk of harm to the health or safety of a child  
8 receiving child day care in the family day-care home.

9 Section 5. Annual report on inspections.

10 No later than May 1 of each year, the department shall  
11 publish a report summarizing its inspections relating to family  
12 day-care homes and enforcement of applicable laws and  
13 regulations. As part of its report, the department shall  
14 identify:

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

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

18 (3) The types of complaints received.

19 (4) Violations investigated by the department.

20 (5) Penalties applied for violations.

21 (6) Effectiveness in enforcing compliance with laws and  
22 regulations.

23 (7) Quality assurance practices to ensure objectivity of  
24 inspectors.

25 (8) Any recommendations.

26 Section 6. Repeal.

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

30 (b) Repeal.--Section 1074 of the act of June 13, 1967 (P.L.

1 31, No.21), known as the Public Welfare Code, is repealed.

2 Section 7. Effective date.

3 This act shall take effect ~~in one year~~ AS FOLLOWS:

4 (1) SECTION 4 SHALL TAKE EFFECT IN ONE YEAR.

5 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT

6 IMMEDIATELY.

