



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 235

PRINTERS NO. 2265

PRIME SPONSOR: Toohil

COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	\$0	See Fiscal Impact

SUMMARY: House Bill 235, Printer's Number 2265, amends Title 23 (Domestic Relations) Section 2711 (Consents necessary to adoption), Chapter 43 (Support Matters Generally) and also includes federally mandated changes to the Child Protective Services Law (CPSL).

ANALYSIS: This legislation amends Section 2711 (Consents necessary to adoption) of Title 23 by adding language stipulating that the consent to an adoption by an incarcerated birth parent may be witnessed by a correctional facility employee that has been designated by the correctional facility. Any consent witnessed by a correctional facility employee must list the address of correctional facility on the consent. A consent to an adoption may also be acknowledged before a notary public instead of by at least two witnesses. These changes are effective in 60 days.

HB 235 increases the annual fee in Chapter 43 (Support Matters Generally) for child support collection services from \$25 to \$35 as mandated by the federal Bipartisan Budget Act of 2018 and increases the threshold amount of child support collections before the fee is imposed from \$500 to \$550 annually. Title 23 requires the Commonwealth to pay the fee for cases in which the child support collections are in excess of the federal threshold but less than \$2,000 annually and these payments are eligible for 66% federal matching funds. These changes are effective immediately and expire July 15, 2023.

This legislation also amends Section 6344 (employees having contact with children; adoptive and foster parents) and Section 6344.2 (volunteers having contact with children) of the CPSL to come into compliance with new federal standards. HB 235 expressly provides that the background check requirement applies to all employees, including administrative and other support personnel, minors age 14 to 17, and exchange visitors in the U.S. on what are commonly known as "J-1" visas. It also expands the disqualifying conditions for employment to include being listed as a registered sex offender under the National Crime Information Center National Sex Offender Registry or as a perpetrator of child abuse on a statewide database, and conviction of any of the following disqualifying offenses: felony strangulation under 18 Pa.C.S. § 2718; felony arson under 18 Pa.C.S. § 3301; interstate domestic violence under 18 U.S.C. § 2261; and violation of a protection order under 18 U.S.C. § 2262.

HB 235 also limits the provisional employment provision, which allows an applicant to begin employment before all clearances are obtained, to employees at child day-care centers, group day-care homes and family child-care homes. In addition, it shortens the permissible period for provisional employment from 90 to 45 days and requires that the employer obtain approval from the Department of Human Services.

FISCAL IMPACT: The Section 2711 changes in this legislation have no fiscal impact.

According to the Department of Human Services, the \$10 increase in the annual fee for an estimated 28,850 cases with annual collections in excess of the federal threshold but less than \$2,000 will cost an additional \$96,000 in state funds (\$192,500 in federal funds). This cost will be offset by savings of \$11,000 in state funds (\$21,500 in federal funds) from the increase in the federal threshold to \$550 annually impacting an estimated 1,300 cases for a net state cost of \$85,000 (\$171,000 federal funds).

The Department of Human Services has indicated that the penalty for noncompliance with the federally mandated changes to the Child Protective Services Law would be up to four percent of the Child Care and Development Block Grant discretionary funds. Pennsylvania's Federal Fiscal Year 2019 discretionary allocation is \$151,330,804; therefore, the penalty could be up to \$6,053,232.

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House Appropriations Committee (R)

DATE: March 13, 2019

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.