



DELAWARE VALLEY PROPERTY & LIABILITY TRUST

The Municipal Pre-School Recreation Programs Workshop

Legal Overview

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The PA Public Welfare Code

- Pennsylvania Public Welfare Code – Articles IX and X, 62 P.S. §§901-922, 1001-1088
- Neither Title mentions municipal youth programs of any kind and plainly do not contemplate the regulation of municipal pre-school recreation programs as “child day care centers”



- The definition of **“Facility”** – which is the regulated entity in Title X of the Pa. Public Welfare Code - is as follows:

*“[A]n adult day care center, child day care center, family child care home, boarding home for children, mental health establishment, personal care home, assisted living residence, nursing home, hospital or maternity home, as defined herein, except to the extent that such a facility is operated by the State or Federal governments or those supervised by the department or licensed pursuant to the act of July 19, 1979 (P. L. 130, No. 48), known as the “Health Care Facilities Act”.
See 62 P.S. §1001*

- It does not mention any municipal youth programs



DHS Child Daycare Center Regulatory Regime

- The stated purpose of the child day care center regulations is to *“provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child day care centers. This chapter identifies the minimum level of compliance necessary to obtain the Department’s certificate of compliance”*. See 55 Pa. Code §§ 3270 *et seq.*
- The chapter expressly applies to facilities in which out-of-home care is provided, at any one time, for part of a 24-hour day to seven or more children, 15 years of age or younger, including:

* * *

- (2) Care provided in private or public, profit or nonprofit facilities

See 55 Pa. Code §3270.3 (a) (2)



- Part-day programs for *pre-school children* are not mentioned in the regulations
- None of the defined terms in the definitional section of the regulations mention any municipalities, authorities or other public entities, thereby making the application of these regulations to municipal summer camps questionable



- On their face the child day care center operational requirements and facility specifications in the DHS regulations are arguably inapplicable and unworkable when applied to municipal pre-school recreation programs, including summer day camps



Need for Legislative Relief

- Findings of 2016 PRPS Survey re: Impact of Child Day Care Regulatory Requirements are in the workshop materials
- PRPS February 2019 Recommendation for Remedial Legislation is in the workshop materials

4/25/2019

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Questions ?

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