

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1138

Session of
1985

INTRODUCED BY SWEET, PICCOLA, PRATT, HAGARTY, MOEHLMANN,
KUKOVICH, GREENWOOD, CORDISCO, PRESSMANN, BALDWIN, McVERRY,
GALLAGHER, HAYES, FREIND AND REBER, MAY 1, 1985

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 3, 1985

AN ACT

1 Amending the act of November 26, 1975 (P.L.438, No.124),
2 entitled, as amended, "An act establishing child protective
3 services; providing procedures for reporting and
4 investigating the abuse of children; establishing and
5 providing access to a Statewide central register and pending
6 complaint file on child abuse; investigating such reports;
7 providing for taking protective action including taking a
8 child into protective custody; placing duties on the
9 Department of Public Welfare and county children and youth
10 social service agencies; establishing child protective
11 services in each county children and youth social service
12 agency; and providing penalties," further providing for the
13 provision and regulation of child care services and
14 recordkeeping duties; and requiring certain persons to
15 furnish information of criminal history.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The definition of "child care" in section 3 of
19 the act of November 26, 1975 (P.L.438, No.124), known as the
20 Child Protective Services Law, is repealed.

21 Section 2. Section 3 of the act is amended by adding a
22 definition to read:

23 Section 3. Definitions.--As used in this act:

1 * * *

2 "Child care services" means child day care centers, foster
3 homes, adoptive parents, boarding homes, juvenile detention
4 center services or programs for delinquent or dependent
5 children; mental health, mental retardation and drug and alcohol
6 services for children; and any other child services which are
7 provided by or subject to approval, licensure, registration or
8 certification by the Department of Public Welfare or the
9 Department of Health or a county social services agency or which
10 are provided pursuant to a contract with these departments or a
11 county social services agency.

12 * * *

13 Section 3. Section 14(i) of the act, amended June 10, 1982
14 (P.L.460, No.136), is amended to read:

15 Section 14. Record Keeping Duties of the Department.--* * *

16 (i) The Statewide central register shall include and shall
17 be limited to the following information: the names, social
18 security numbers, age and sex of the subjects of the reports;
19 the date or dates and the nature and extent of the alleged
20 instances of suspected child abuse; the home addresses of
21 subjects of the report; the county in which the suspected abuse
22 occurred; family composition; the name and relationship to the
23 abused child of the person or persons responsible for causing
24 the abuse; the source of the report; services planned or
25 provided; whether the report is a founded report, an indicated
26 report; and the progress of any legal proceedings brought on the
27 basis of the report of suspected child abuse.

28 * * *

29 Section 4. Section 14.1 of the act is repealed.

30 Section 5. The act is amended by adding a section to read:

1 Section 23.1. Regulation of Child Care Services.--(a) This
2 section shall apply to all prospective employees of child care
3 services, including independent contractors and their employees
4 and foster parents except those employees and independent
5 contractors and their employees who have no direct contact with
6 children.

7 (b) Administrators of child care services shall require
8 prospective employees to submit with their applications for
9 employment, the following information, which shall be no more
10 than one year old:

11 (1) A report of criminal history record information from the
12 Pennsylvania State Police or a statement from the Pennsylvania
13 State Police that the central repository contains no such
14 information relating to that person. Such criminal history
15 record information shall be limited to that which is
16 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
17 general regulations).

18 (2) A certification from the department as to whether the
19 applicant is named in the central register as the perpetrator of
20 a founded or indicated report of child abuse.

21 (3) WHERE THE APPLICANT IS NOT A RESIDENT OF THIS
22 COMMONWEALTH, ADMINISTRATORS SHALL REQUIRE THE APPLICANT TO
23 SUBMIT WITH THE APPLICATION FOR EMPLOYMENT A REPORT OF FEDERAL
24 CRIMINAL HISTORY RECORD INFORMATION PURSUANT TO THE FEDERAL
25 BUREAU OF INVESTIGATION APPROPRIATION OF TITLE II OF PUBLIC LAW
26 92-544, 86 STAT. 1115, AND THE DEPARTMENT SHALL BE THE
27 INTERMEDIARY FOR THE PURPOSES OF THIS SECTION.

28 (c) For the purposes of this section, an applicant may
29 submit a copy of the required information with his or her
30 application for employment. Administrators shall require

applicants to produce the original document prior to employment.

(d) In determining suitability of an applicant for employment based on criminal history record information, administrators shall comply with regulations promulgated by the department.

(e) In no case shall an administrator hire an applicant where the department has verified that the applicant is named in the central register as the perpetrator of a founded report of child abuse.

(f) The department shall, in the manner provided by law, promulgate the regulations necessary to carry out this section. These regulations shall:

(1) Set forth criteria for unsuitability for employment in a child care service in relation to criminal history record information. Such criteria shall be reasonably related to the prevention of child abuse.

(2) Set forth sanctions for administrators who wilfully hire applicants in violation of subsection (d) or in violation of the regulations promulgated hereunder.

(3) Provide for the confidentiality of information obtained pursuant to subsection (b).

(g) The department shall require persons seeking to operate child care services to comply with subsection (b).

(h) The department may charge a fee not to exceed \$10 in order to conduct the certification as required in subsection (b)(2).

(i) The department shall comply with certification requests no later than ten days from the receipt of the request.

(j) The department shall develop a procedure for the voluntary certification of child caretakers, to allow persons to

1 apply to the department for a certificate indicating the person
2 has met the requirements of subsection (b). The department shall
3 also provide for the annual recertification of such persons.

4 (k) The Department of Health shall promulgate regulations
5 setting forth sanctions for administrators of services approved,
6 certified or licensed by that department who wilfully hire
7 applicants in violation of subsection (e) or in violation of the
8 regulations promulgated under subsection (f).

9 (l) The requirements of this section shall not apply to
10 employees of child care services who meet all the following
11 requirements:

12 (1) The employees are under 21 years of age.

13 (2) They are employed for periods of 90 days or less.

14 (3) They are a part of a job development and/or job training
15 program funded in whole or in part by public or private sources.
16 Once employment of a person who meets these conditions extends
17 beyond 90 days, all requirements of this section shall take
18 effect.

19 Section 6. (a) Sections 1 and 4 of this act shall take
20 effect immediately.

21 (b) The remainder of this act shall take effect January 1,
22 1986, or immediately, whichever is later.