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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1961** Session of  
2007

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INTRODUCED BY BENNINGTON, JOSEPHS, MANN, PARKER, SWANGER, CURRY,  
CAPPELLI, PALLONE, THOMAS, J. WHITE, PASHINSKI, KORTZ, LEACH,  
MAHONEY, BELFANTI AND SIPTROTH, OCTOBER 23, 2007

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 23, 2007

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for information  
3 relating to prospective child-care personnel.

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

6 Section 1. Section 6344(b), (d)(1), (2), (3), (4) and (5),  
7 (e), (f) and (k) of Title 23 of the Pennsylvania Consolidated  
8 Statutes are amended to read:

9 § 6344. Information relating to prospective child-care  
10 personnel.

11 \* \* \*

12 (b) Information submitted by prospective employees.--  
13 Administrators of child-care services shall require applicants  
14 to submit with their applications the following information  
15 obtained within the preceding one-year period:

16 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal  
17 history record information), a report of criminal history  
18 record information from the Pennsylvania State Police or a

1 statement from the Pennsylvania State Police that the State  
2 Police central repository contains no such information  
3 relating to that person. The criminal history record  
4 information shall be limited to that which is disseminated  
5 pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general  
6 regulations).

7 (2) A certification from the department as to whether  
8 the applicant is named in the central register as the  
9 perpetrator of a founded report of child abuse, indicated  
10 report of child abuse, founded report for school employee or  
11 indicated report for school employee.

12 (3) [Where the applicant is not a resident of this  
13 Commonwealth, administrators shall require the applicant to  
14 submit with the application for employment a] A report of  
15 Federal criminal history record information. The applicant  
16 shall submit a full set of fingerprints [to] in a manner  
17 prescribed by the department. The [department] Commonwealth  
18 shall submit the fingerprints to the Federal Bureau of  
19 Investigation in order to obtain a report of Federal criminal  
20 history record information and serve as intermediary for the  
21 purposes of this section.

22 For the purposes of this subsection, an applicant may submit a  
23 copy of the [required] information required under paragraphs (1)  
24 and (2) with an application for employment. Administrators shall  
25 maintain a copy of the required information and shall require  
26 applicants to produce the original document prior to employment.

27 \* \* \*

28 (d) Prospective adoptive or foster parents.--With regard to  
29 prospective adoptive or prospective foster parents, the  
30 following shall apply:

1 (1) In the course of causing an investigation to be made  
2 pursuant to section 2535(a) (relating to investigation), an  
3 agency or person designated by the court to conduct the  
4 investigation shall require prospective adoptive parents and  
5 any individual over the age of 18 years residing in the home  
6 to submit the information set forth in subsection [(b)(1) and  
7 (2)] (b) for review in accordance with this section. If a  
8 prospective adoptive parent or any individual over 18 years  
9 of age residing in the home has resided outside this  
10 Commonwealth at any time within the previous five-year  
11 period, the agency or person designated by the court shall  
12 require that person to submit a certification obtained within  
13 the previous one-year period from the Statewide central  
14 registry or its equivalent in each state in which the person  
15 has resided within the previous five-year period as to  
16 whether the person is named as a perpetrator of child abuse.  
17 If the certification shows that the person is named as a  
18 perpetrator of child abuse within the previous five-year  
19 period, the agency or person designated by the court shall  
20 forward the certification to the department for review. The  
21 agency or person designated by the court shall not approve  
22 the prospective adoptive parent if the department determines  
23 that the person is named as the equivalent of a perpetrator  
24 of a founded report of child abuse within the previous five-  
25 year period.

26 (2) In the course of approving a prospective foster  
27 parent, a foster family care agency shall require prospective  
28 foster parents and any individual over the age of 18 years  
29 residing in the home to submit the information set forth in  
30 subsection [(b)(1) and (2)] (b) for review by the foster

1 family care agency in accordance with this section. If a  
2 prospective foster parent or any individual over 18 years of  
3 age residing in the home has resided outside this  
4 Commonwealth at any time within the previous five-year  
5 period, the foster family care agency shall require that  
6 person to submit a certification obtained within the previous  
7 one-year period from the Statewide central registry or its  
8 equivalent in each state in which the person has resided  
9 within the previous five-year period as to whether the person  
10 is named as a perpetrator of child abuse. If the  
11 certification shows that the person is named as a perpetrator  
12 of child abuse within the previous five-year period, the  
13 foster family care agency shall forward the certification to  
14 the department for review. The foster family care agency  
15 shall not approve the prospective foster parent if the  
16 department determines that the person is named as the  
17 equivalent of a perpetrator of a founded report of child  
18 abuse within the previous five-year period. In addition, the  
19 foster family care agency shall consider the following when  
20 assessing the ability of applicants for approval as foster  
21 parents:

22 (i) The ability to provide care, nurturing and  
23 supervision to children.

24 (ii) Mental and emotional well-being. If there is a  
25 question regarding the mental or emotional stability of a  
26 family member which might have a negative effect on a  
27 foster child, the foster family care agency shall require  
28 a psychological evaluation of that person before  
29 approving the foster family home.

30 (iii) Supportive community ties with family, friends

1 and neighbors.

2 (iv) Existing family relationships, attitudes and  
3 expectations regarding the applicant's own children and  
4 parent/child relationships, especially as they might  
5 affect a foster child.

6 (v) Ability of the applicant to accept a foster  
7 child's relationship with his own parents.

8 (vi) The applicant's ability to care for children  
9 with special needs.

10 (vii) Number and characteristics of foster children  
11 best suited to the foster family.

12 (viii) Ability of the applicant to work in  
13 partnership with a foster family care agency. This  
14 subparagraph shall not be construed to preclude an  
15 applicant from advocating on the part of a child.

16 (3) Foster parents and any individual over 18 years of  
17 age residing in the home shall be required to submit the  
18 information set forth in subsection [(b)(1) and (2)] (b)  
19 every 24 months following approval for review by the foster  
20 family care agency in accordance with subsection (c).

21 (4) Foster parents shall be required to report, within  
22 48 hours, any change in information required pursuant to  
23 subsection [(b)(1) and (2)] (b) about themselves and any  
24 individuals over the age of 18 years residing in the home for  
25 review by the foster family care agency in accordance with  
26 subsection (c).

27 (5) Foster parents shall be required to report any other  
28 change in the foster family household composition within 30  
29 days of the change for review by the foster family care  
30 agency. If any individual over 18 years of age, who has

1 resided outside this Commonwealth at any time within the  
2 previous five-year period, begins residing in the home of an  
3 approved foster family, that individual shall, within 30 days  
4 of beginning residence, submit to the foster family care  
5 agency, a certification obtained within the previous one-year  
6 period from the Statewide central registry or its equivalent  
7 in each state in which the person has resided within the  
8 previous five-year period as to whether the person is named  
9 as a perpetrator of child abuse. If the certification shows  
10 that the person is named as a perpetrator of child abuse  
11 within the previous five-year period, the foster family care  
12 agency shall forward the certification to the department for  
13 review. If the department determines that the person is named  
14 as the equivalent of a perpetrator of a founded report of  
15 child abuse within the previous five-year period, and the  
16 person does not cease residing in the home immediately, the  
17 foster child or children shall immediately be removed from  
18 the home without a hearing.

19 \* \* \*

20 (e) Self-employed family day-care providers.--Self-employed  
21 family day-care providers who apply for a certificate of  
22 registration with the department shall submit with their  
23 registration application [a report of criminal history record  
24 information and shall also obtain certification from the  
25 department as to whether the applicant is named in the central  
26 register as the perpetrator of a founded report of child abuse.]  
27 the information set forth under subsection (b) for review in  
28 accordance with this section.

29 (f) Submissions by operators of child-care services.--The  
30 department shall require persons seeking to operate child-care

1 services to submit the information set forth in subsection  
2 [(b)(1) and (2)] (b) for review in accordance with this section.

3 \* \* \*

4 (k) Existing or transferred employees.--A person employed in  
5 child-care services on [January 1, 1986] July 1, 2008, shall not  
6 be required to obtain the information required in subsection  
7 [(b)(1) and (2)] (b) as a condition of continued employment. A  
8 person who has once obtained the information required under  
9 subsection [(b)(1) and (2)] (b) may transfer to another child-  
10 care service established and supervised by the same organization  
11 and shall not be required to obtain additional reports before  
12 making the transfer.

13 \* \* \*

14 Section 2. This act shall take effect as follows:

15 (1) This section shall take effect immediately.

16 (2) The amendment of 23 Pa.C.S. § 6344(b) and (d)(1),  
17 (2), (3), (4) and (5) shall take effect January 1, 2008.

18 (3) The amendment of 23 Pa.C.S. § 6344 (e), (f) and (k)  
19 shall take effect July 1, 2008.