
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1147 Session of
2007

INTRODUCED BY WASHINGTON, FONTANA, HUGHES, MELLOW AND
C. WILLIAMS, NOVEMBER 5, 2007

REFERRED TO JUDICIARY, NOVEMBER 5, 2007

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.