

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 59 Session of 2009

INTRODUCED BY PICCOLA, KASUNIC AND O'PAKE, JANUARY 20, 2009

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 2010

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," further providing for
4 application for registration certificate, for issuance of
5 registration certificate and for records; providing for
6 disclosure; and further providing for emergency closure.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 1072, 1073 and 1075 of the act of June
10 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,
11 added December 5, 1980 (P.L.1112, No.193), are amended to read:

12 Section 1072. Application for Registration Certificate.--

13 (a) Any individual desiring to secure a registration
14 certificate shall submit an application therefor to the
15 department upon forms prepared and furnished by the department,
16 and, at the same time, shall certify in writing that he/she and
17 the [facility] FAMILY DAY CARE HOME named in the application are ←
18 in compliance with applicable department regulations. Applicants
19 shall also provide proof of a current general liability

1 insurance policy that covers all persons who are on the
2 premises.

3 (b) Application for renewal of the registration certificate
4 shall be made every two years in the same manner as application
5 for the original registration certificate.

6 (c) No application fee shall be required to register a
7 family day care home.

8 Section 1073. Issuance of Registration Certificate.--Upon
9 receipt of an application, proof of current liability insurance
10 and the applicant's written certification of compliance with
11 applicable department regulations, the department shall issue a
12 registration certificate to the applicant for the premises named
13 in the application. A registration certificate shall be issued
14 for a period of two years.

15 Section 1075. Records.--Every individual who operates a
16 family day care home registered under this article shall keep
17 and maintain such records as required by the department. The
18 facility's current registration certificate OF THE FAMILY DAY ←
19 CARE HOME, a copy of the applicable department regulations, a
20 copy of the facility's inspection summary OF THE FAMILY DAY CARE ←
21 HOME and any other record required by the department shall be
22 posted in a conspicuous location used by parents. A current copy
23 of the family day care home's insurance policy shall be on file
24 at the facility FAMILY DAY CARE HOME. ←

25 Section 2. The act is amended by adding a section to read:

26 Section 1075.1. Disclosure.--At the time of the child's
27 application, the facility operator OF THE FAMILY DAY CARE HOME ←
28 shall review with the parent or other responsible person the
29 facility's FAMILY DAY CARE HOME'S registration certificate, ←
30 inspection summary, insurance policy, emergency plan, general

1 daily schedule, hours in which care is provided, fees,
2 responsibilities for meals, clothing, health policies,
3 supervision policies, night care policies, dismissal policies,
4 transportation, pickup arrangements and any other policy as
5 required by the department. Upon enrollment, the facility ←
6 operator OF THE FAMILY DAY CARE HOME shall execute a written ←
7 agreement signed by the child's parent or other responsible
8 person and the operator that addresses the terms required by the
9 department. The facility operator OF THE FAMILY DAY CARE HOME ←
10 shall maintain emergency contact information as required by the
11 department. The facility operator OF THE FAMILY DAY CARE HOME ←
12 shall also give the child's parent or other responsible person a
13 written form prescribed by the department containing the
14 following information:

15 (1) instructions for obtaining information about the
16 facility's registration history and compliance history OF THE ←
17 FAMILY DAY CARE HOME; and

18 (2) instructions for contacting the department to file a
19 complaint or make inquiries regarding the facility FAMILY DAY ←
20 CARE HOME.

21 Section 3. Section 1080 of the act, added December 5, 1980
22 (P.L.1112, No.193), is amended to read:

23 Section 1080. Emergency Closure.--If the department, or
24 authorized agent of the department observes a condition at a
25 family day care home which places the children cared for therein
26 in immediate life-threatening danger, the department shall
27 maintain an action in the name of the Commonwealth for an
28 injunction or other process restraining or prohibiting the
29 operation of the [facility.] FAMILY DAY CARE HOME. If the ←
30 department finds evidence of gross incompetence, negligence,

1 misconduct in operating the family day care home or mistreatment
2 or abuse of children likely to constitute an immediate and
3 serious danger to the life or health of the children, the
4 department shall take immediate action to close the ~~facility~~ ←
5 FAMILY DAY CARE HOME and remove the children from the family day ←
6 care home. If physical obstruction is offered to prevent removal
7 of the children, the department shall request law enforcement
8 authorities to assist in the closure of the ~~facility~~ FAMILY DAY ←
9 CARE HOME and removal of the children. The department shall
10 inform the parent or other person responsible for each child
11 present at the family day care home of the emergency closure and
12 removal. Department staff shall remain at the family day care
13 home until each child is picked up by his or her parent or taken
14 to another safe location.

15 Section 4. This act shall take effect in 120 days.