
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **435** Session of
2013

INTRODUCED BY MOUL, WATSON, AUMENT, GINGRICH, MALONEY, STEPHENS,
YOUNGBLOOD, SCHLOSSBERG, HICKERNELL, ROCK, KORTZ, SACCONI,
MAJOR, CUTLER, KAUFFMAN, O'NEILL, BAKER, SWANGER, COHEN,
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MURT, EVERETT, GIBBONS, QUINN, FARRY, CALTAGIRONE AND BISHOP,
FEBRUARY 11, 2013

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED,
OCTOBER 6, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further ~~providing for definitions, for information relating to~~ <--
3 ~~prospective child care personnel, for information relating to~~
4 ~~family day care home residents and for information relating~~
5 ~~to other persons having contact with children; and providing~~
6 ~~for grounds for denying employment or participation in~~
7 ~~program, activity or service and for certification~~
8 ~~compliance.~~ FURTHER PROVIDING FOR PERSONS REQUIRED TO REPORT <--
9 SUSPECTED CHILD ABUSE, FOR REPORTING PROCEDURE, FOR
10 CONFIDENTIALITY OF REPORTS, FOR RELEASE OF INFORMATION IN
11 CONFIDENTIAL REPORTS, FOR INFORMATION RELATING TO PROSPECTIVE
12 CHILD-CARE PERSONNEL, FOR INFORMATION RELATING TO FAMILY DAY-
13 CARE HOME RESIDENTS AND FOR INFORMATION RELATING TO OTHER
14 PERSONS HAVING CONTACT WITH CHILDREN; PROVIDING FOR CONTINUED
15 EMPLOYMENT OR PARTICIPATION IN PROGRAM, ACTIVITY OR SERVICE
16 AND FOR CERTIFICATION COMPLIANCE; MAKING A CONFORMING
17 AMENDMENT TO TITLE 42; PROVIDING FOR A STUDY ON EMPLOYMENT
18 BANS FOR THOSE HAVING CONTACT WITH CHILDREN; AND MAKING
19 EDITORIAL CHANGES.
20

21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

23 ~~Section 1. The definition of "child care service" in section~~ <--
24 ~~6303(a) of Title 23 of the Pennsylvania Consolidated Statutes is~~

1 amended to read:

2 ~~§ 6303. Definitions.~~

3 ~~(a) General rule. The following words and phrases when used~~
4 ~~in this chapter shall have the meanings given to them in this~~
5 ~~section unless the context clearly indicates otherwise:~~

6 * * *

7 ~~"Child care services." [Child day care centers, group and~~
8 ~~family day care homes, foster homes, adoptive parents, boarding~~
9 ~~homes for children, juvenile detention center services or~~
10 ~~programs for delinquent or dependent children; mental health,~~
11 ~~mental retardation, early intervention and drug and alcohol~~
12 ~~services for children; and other child care services which are~~
13 ~~provided by or subject to approval, licensure, registration or~~
14 ~~certification by the Department of Public Welfare or a county~~
15 ~~social services agency or which are provided pursuant to a~~
16 ~~contract with these departments or a county social services~~
17 ~~agency. The term does not include such services or programs~~
18 ~~which may be offered by public and private schools, intermediate~~
19 ~~units or area vocational technical schools.] Includes any of the~~
20 ~~following:~~

21 ~~(1) Child day care centers.~~

22 ~~(2) Group day care homes.~~

23 ~~(3) Family day care homes.~~

24 ~~(4) Foster homes.~~

25 ~~(5) Adoptive parents.~~

26 ~~(6) Boarding homes for children.~~

27 ~~(7) Juvenile detention center services or programs for~~
28 ~~delinquent or dependent children.~~

29 ~~(8) Mental health services for children.~~

30 ~~(9) Services for children with intellectual~~

1 ~~disabilities.~~

2 ~~(10) Early intervention services for children.~~

3 ~~(11) Drug and alcohol services for children.~~

4 ~~(12) Day care services or programs that are offered by a~~
5 ~~school.~~

6 ~~(13) Other comparable services that are provided by or~~
7 ~~subject to approval, licensure, registration or certification~~
8 ~~by the department or a county social services agency or that~~
9 ~~are provided pursuant to a contract with the Department of~~
10 ~~Public Welfare or a county social services agency.~~

11 * * *

12 Section 2. ~~Section 6344(a), (b), (c), (d)(3), (4) and (6),~~
13 ~~(i), (k), (l), (m), (n), (o) and (p) of Title 23 are amended and~~
14 ~~subsection (d) is amended by adding a paragraph to read:~~
15 ~~§ 6344. Information relating to prospective child care~~
16 ~~personnel.~~

17 ~~(a) Applicability. [This section applies to all prospective~~
18 ~~employees of child care services, prospective foster parents,~~
19 ~~prospective adoptive parents, prospective self-employed family~~
20 ~~day care providers and other persons seeking to provide child~~
21 ~~care services under contract with a child care facility or~~
22 ~~program. This section also applies to individuals 14 years of~~
23 ~~age or older who reside in the home of a prospective foster~~
24 ~~parent for at least 30 days in a calendar year or who reside in~~
25 ~~the home of a prospective adoptive parent for at least 30 days~~
26 ~~in a calendar year. This section does not apply to~~
27 ~~administrative or other support personnel unless their duties~~
28 ~~will involve direct contact with children.] This section applies~~
29 ~~to any of the following individuals:~~

30 ~~(1) A prospective employee of child care services.~~

1 ~~(2) A prospective foster parent.~~

2 ~~(3) A prospective adoptive parent.~~

3 ~~(4) A prospective self-employed family day care~~
4 ~~provider.~~

5 ~~(5) Any person seeking to provide child care services~~
6 ~~under contract with a child care facility or program.~~

7 ~~(6) An individual 18 years of age or older who resides~~
8 ~~in the home of a prospective foster parent for at least 30~~
9 ~~days in a calendar year or who resides in the home of a~~
10 ~~prospective adoptive parent for at least 30 days in a~~
11 ~~calendar year.~~

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:] Information to~~
16 ~~be submitted. An individual identified in subsection (a)(6) at~~
17 ~~the time the individual meets the description set forth in~~
18 ~~subsection (a)(6) and an individual applying to serve in any~~
19 ~~capacity identified in subsection (a)(1), (2), (3), (4) or (5)~~
20 ~~at the time of application shall be required to submit the~~
21 ~~following information obtained within the preceding one year~~
22 ~~period:~~

23 ~~(1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal~~
24 ~~history record information), a report of criminal history~~
25 ~~record information from the Pennsylvania State Police or a~~
26 ~~statement from the Pennsylvania State Police that the State~~
27 ~~Police central repository contains no such information~~
28 ~~relating to that person. The criminal history record~~
29 ~~information shall be limited to that which is disseminated~~
30 ~~pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general~~

1 regulations).

2 ~~(2) A certification from the department as to whether~~
3 ~~the applicant is named in the central register as the~~
4 ~~perpetrator of a founded report of child abuse, indicated~~
5 ~~report of child abuse, founded report for school employee or~~
6 ~~indicated report for school employee.~~

7 ~~(3) A report of Federal criminal history record~~
8 ~~information. The applicant shall submit a full set of~~
9 ~~fingerprints in a manner prescribed by the department. The~~
10 ~~Commonwealth shall submit the fingerprints to the Federal~~
11 ~~Bureau of Investigation in order to obtain a report of~~
12 ~~Federal criminal history record information and serve as~~
13 ~~intermediary for the purposes of this section.~~

14 ~~For the purposes of this subsection, [an applicant may submit a~~
15 ~~copy of the information required under paragraphs (1) and (2)~~
16 ~~with an application for employment. Administrators shall~~
17 ~~maintain a copy of the required information and shall require~~
18 ~~applicants to produce the original document prior to~~
19 ~~employment.] an individual may submit a copy of the information~~
20 ~~required under paragraphs (1) and (2) when applying to serve in~~
21 ~~any capacity identified in subsection (a)(1), (2), (3), (4) or~~
22 ~~(5). The person responsible for determining the employment or~~
23 ~~acceptance of the individual to serve in such a capacity shall~~
24 ~~maintain a copy of the required information and require the~~
25 ~~individual to produce the original document prior to employment~~
26 ~~or acceptance to serve in such capacity.~~

27 ~~[(c) Grounds for denying employment.]~~

28 ~~(1) In no case shall an administrator hire an applicant~~
29 ~~where the department has verified that the applicant is named~~
30 ~~in the central register as the perpetrator of a founded~~

1 ~~report of child abuse committed within the five year period~~
2 ~~immediately preceding verification pursuant to this section~~
3 ~~or is named in the central register as the perpetrator of a~~
4 ~~founded report for a school employee committed within the~~
5 ~~five year period immediately preceding verification pursuant~~
6 ~~to this section.~~

7 ~~(2) In no case shall an administrator hire an applicant~~
8 ~~if the applicant's criminal history record information~~
9 ~~indicates the applicant has been convicted of one or more of~~
10 ~~the following offenses under Title 18 (relating to crimes and~~
11 ~~offenses) or an equivalent crime under Federal law or the law~~
12 ~~of another state:~~

13 ~~Chapter 25 (relating to criminal homicide).~~

14 ~~Section 2702 (relating to aggravated assault).~~

15 ~~Section 2709.1 (relating to stalking).~~

16 ~~Section 2901 (relating to kidnapping).~~

17 ~~Section 2902 (relating to unlawful restraint).~~

18 ~~Section 3121 (relating to rape).~~

19 ~~Section 3122.1 (relating to statutory sexual assault).~~

20 ~~Section 3123 (relating to involuntary deviate sexual~~
21 ~~intercourse).~~

22 ~~Section 3124.1 (relating to sexual assault).~~

23 ~~Section 3125 (relating to aggravated indecent assault).~~

24 ~~Section 3126 (relating to indecent assault).~~

25 ~~Section 3127 (relating to indecent exposure).~~

26 ~~Section 4302 (relating to incest).~~

27 ~~Section 4303 (relating to concealing death of child).~~

28 ~~Section 4304 (relating to endangering welfare of~~
29 ~~children).~~

30 ~~Section 4305 (relating to dealing in infant children).~~

1 ~~A felony offense under section 5902(b) (relating to~~
2 ~~prostitution and related offenses).~~

3 ~~Section 5903(c) or (d) (relating to obscene and other~~
4 ~~sexual materials and performances).~~

5 ~~Section 6301 (relating to corruption of minors).~~

6 ~~Section 6312 (relating to sexual abuse of children).~~

7 ~~The attempt, solicitation or conspiracy to commit any of~~
8 ~~the offenses set forth in this paragraph.~~

9 ~~(3) In no case shall an administrator hire an applicant~~
10 ~~if the applicant's criminal history record information~~
11 ~~indicates the applicant has been convicted of a felony~~
12 ~~offense under the act of April 14, 1972 (P.L.233, No.64),~~
13 ~~known as The Controlled Substance, Drug, Device and Cosmetic~~
14 ~~Act, committed within the five year period immediately~~
15 ~~preceding verification under this section.]~~

16 ~~(d) Prospective adoptive or foster parents. With regard to~~
17 ~~prospective adoptive or prospective foster parents, the~~
18 ~~following shall apply:~~

19 ~~* * *~~

20 ~~{(3) Foster parents and any individual over 18 years of~~
21 ~~age residing in the home shall be required to submit the~~
22 ~~information set forth in subsection (b) every 24 months~~
23 ~~following approval for review by the foster family care~~
24 ~~agency in accordance with subsection (c).~~

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

30 ~~(4.1) If a foster parent is arrested or convicted for an~~

~~offense that would constitute grounds for denying employment under section 6344.3 (relating to grounds for denying employment or participation in program, activity or service), or is named as a perpetrator in a founded or indicated report of abuse, the foster parent shall provide the foster family care agency with written notice not later than 48 hours after the arrest, conviction or notification that the foster parent was named as a perpetrator of child abuse in the Statewide central register.~~

~~* * *~~

~~(6) In cases where foster parents knowingly fail to submit the material information required in [paragraphs (3), (4) and (5)] paragraph (5) and section 6344.4 (relating to certification compliance) such that it would disqualify them as foster parents, the child shall immediately be removed from the home without a hearing.~~

~~* * *~~

~~(i) Time limit for certification. The department shall comply with certification requests no later than [14] 28 days from the receipt of the request[.] and develop procedures to comply with expedited certification requests. The department is authorized to charge a fee of no more than \$5, in addition to the fee authorized in subsection (h), in order to expedite a certification request. The department shall comply with expedited certification requests no later than 14 days from the receipt of the request.~~

~~* * *~~

~~[(k) Existing or transferred employees. A person employed in child care services on July 1, 2008, shall not be required to obtain the information required in subsection (b) as a condition~~

1 ~~of continued employment. A person who has once obtained the~~
2 ~~information required under subsection (b) may transfer to~~
3 ~~another child care service established and supervised by the~~
4 ~~same organization and shall not be required to obtain additional~~
5 ~~reports before making the transfer.~~

6 ~~(1) Temporary employees under special programs. The~~
7 ~~requirements of this section do not apply to employees of child~~
8 ~~care services who meet all the following requirements:~~

9 ~~(1) They are under 21 years of age.~~

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

11 ~~(3) They are a part of a job development or job training~~
12 ~~program funded, in whole or in part, by public or private~~
13 ~~sources.~~

14 ~~Once employment of a person who meets these conditions extends~~
15 ~~beyond 90 days, all requirements of this section shall take~~
16 ~~effect.]~~

17 ~~(m) Provisional employees for limited periods.~~

18 ~~Notwithstanding subsection (b), [administrators] employers may~~
19 ~~employ applicants on a provisional basis for a single period not~~
20 ~~to exceed 30 days or, for out of State applicants, a period of~~
21 ~~90 days, if all of the following conditions are met:~~

22 ~~(1) The applicant has applied for the information~~
23 ~~required under subsection (b) and the applicant provides a~~
24 ~~copy of the appropriate completed request forms to the~~
25 ~~[administrator] employer.~~

26 ~~(2) The [administrator] employer has no knowledge of~~
27 ~~information pertaining to the applicant which would~~
28 ~~disqualify him from employment pursuant to [subsection (c)]~~
29 ~~section 6344.3.~~

30 ~~(3) The applicant swears or affirms in writing that he~~

1 ~~is not disqualified from employment pursuant to [subsection-~~
2 ~~(c)] section 6344.3.~~

3 ~~(4) If the information obtained pursuant to subsection-~~
4 ~~(b) reveals that the applicant is disqualified from~~
5 ~~employment pursuant to [subsection (c)] section 6344.3, the~~
6 ~~applicant shall be immediately dismissed by the~~
7 ~~[administrator] employer.~~

8 ~~(5) The [administrator] employer requires that the~~
9 ~~applicant not be permitted to work alone with children and~~
10 ~~that the applicant work in the immediate vicinity of a~~
11 ~~permanent employee.~~

12 ~~(n) Confidentiality. The information provided and compiled~~
13 ~~under this section, including, but not limited to, the names,~~
14 ~~addresses and telephone numbers of applicants and foster and~~
15 ~~adoptive parents, shall be confidential and shall not be subject~~
16 ~~to the act of [June 21, 1957 (P.L.390, No.212), referred to]~~
17 ~~February 14, 2008 (P.L.6, No.3), known as the Right to Know Law.~~
18 ~~This information shall not be released except as permitted by~~
19 ~~the department through regulation.~~

20 ~~(o) Use of information. A foster family care agency may not~~
21 ~~approve a prospective foster parent if the prospective foster~~
22 ~~parent or an individual [14] 18 years of age or older who~~
23 ~~resides for at least 30 days in a calendar year with the~~
24 ~~prospective foster parent meets either of the following:~~

25 ~~(1) Is named in the central register as the perpetrator~~
26 ~~of a founded report of child abuse committed within the five~~
27 ~~year period immediately preceding verification pursuant to~~
28 ~~this section or is named in the central register as the~~
29 ~~perpetrator of a founded report for a school employee~~
30 ~~committed within the five year period immediately preceding~~

1 ~~verification pursuant to this section.~~

2 ~~(2) Has been found guilty of an offense listed in~~
3 ~~{subsection (c) (2)} section 6344.3.~~

4 ~~(p) Use of information. A prospective adoptive parent may~~
5 ~~not be approved if the prospective adoptive parent or an~~
6 ~~individual [14] 18 years of age or older who resides for at~~
7 ~~least 30 days in a calendar year with the prospective adoptive~~
8 ~~parent meets either of the following:~~

9 ~~(1) Is named in the central register as the perpetrator~~
10 ~~of a founded report of child abuse committed within the five~~
11 ~~year period immediately preceding verification pursuant to~~
12 ~~this section or is named in the central register as the~~
13 ~~perpetrator of a founded report for a school employee~~
14 ~~committed within the five year period immediately preceding~~
15 ~~verification pursuant to this section.~~

16 ~~(2) Has been found guilty of an offense listed in~~
17 ~~{subsection (c) (2)} section 6344.3.~~

18 ~~Section 3. Sections 6344.1(c) and 6344.2 of Title 23 are~~
19 ~~amended to read:~~

20 ~~§ 6344.1. Information relating to family day care home~~
21 ~~residents.~~

22 ~~* * *~~

23 ~~(c) Effect on registration. The department shall refuse to~~
24 ~~issue or renew a registration certificate or shall revoke a~~
25 ~~registration certificate if the family day care home provider or~~
26 ~~individual 18 years of age or older who has resided in the home~~
27 ~~for at least 30 days in a calendar year:~~

28 ~~(1) is named in the central register on child abuse~~
29 ~~established under [Chapter 63 (relating to child protective~~
30 ~~services)] this chapter as the perpetrator of a founded~~

1 ~~report committed within the immediately preceding five year~~
2 ~~period; or~~

3 ~~(2) has been convicted of an offense enumerated in~~
4 ~~section [6344(c).] 6344.3 (relating to grounds for denying~~
5 ~~employment or participation in program, activity or service),~~
6 ~~if the offense would constitute grounds for denying~~
7 ~~employment based on the date of expiration of the sentence~~
8 ~~for the offense.~~

9 * * *

10 ~~§ 6344.2. Information relating to other persons having contact~~
11 ~~with children.~~

12 ~~(a) Applicability. [This section applies to prospective~~
13 ~~employees applying to engage in occupations with a significant~~
14 ~~likelihood of regular contact with children, in the form of~~
15 ~~care, guidance, supervision or training. Such persons include~~
16 ~~social service workers, hospital personnel, mental health~~
17 ~~professionals, members of the clergy, counselors, librarians and~~
18 ~~doctors.] This section applies to a person applying for a paid~~
19 ~~or unpaid position as a person responsible for the welfare of a~~
20 ~~child.~~

21 ~~(b) Investigation. Employers, administrators or supervisors~~
22 ~~or other person responsible for employment decisions or~~
23 ~~selection of volunteers shall require an applicant to submit to~~
24 ~~all requirements set forth in section 6344(b) (relating to~~
25 ~~information relating to prospective child care personnel). An~~
26 ~~employer, administrator, supervisor or other person responsible~~
27 ~~for employment decisions or selection of volunteers regarding an~~
28 ~~applicable prospective employee or volunteer under this section~~
29 ~~that intentionally fails to require the submissions before~~
30 ~~hiring that individual commits a misdemeanor of the third~~

1 degree.

2 ~~(b.1) Exception. A person responsible for the selection of~~
3 ~~volunteers shall require an applicable prospective volunteer to~~
4 ~~submit only the information required by section 6344(b) (1) and~~
5 ~~(2), if both of the following apply:~~

6 ~~(1) The position the prospective volunteer is applying~~
7 ~~for is unpaid.~~

8 ~~(2) The prospective volunteer has been a resident of~~
9 ~~Pennsylvania during the entirety of the previous ten year~~
10 ~~period.~~

11 ~~This subsection shall not be construed to prohibit any~~
12 ~~organization from requiring prospective volunteers to submit the~~
13 ~~information required by section 6344(b) (3).~~

14 ~~(c) Grounds for denial. Each applicant shall be subject to~~
15 ~~the requirements of section [6344(c)] 6344.3 (relating to~~
16 ~~grounds for denial of employment or participation in program,~~
17 ~~service or activity).~~

18 ~~(d) Departmental treatment of information. Information~~
19 ~~provided and compiled under this section by the department shall~~
20 ~~be confidential and shall not be subject to the act of [June 21,~~
21 ~~1957 (P.L.390, No.212), referred to] February 14, 2008 (P.L.6,~~
22 ~~No.3), known as the Right to Know Law. This information shall~~
23 ~~not be released except as permitted by the department through~~
24 ~~regulation. The department may charge a fee to conduct a~~
25 ~~certification as required by section 6344(b) (2) in accordance~~
26 ~~with the provisions of section 6344(h). The department shall~~
27 ~~promulgate regulations necessary to carry out this subsection.~~

28 Section 4. Title 23 is amended by adding sections to read:
29 ~~§ 6344.3. Grounds for denying employment or participation in~~
30 ~~program, activity or service.~~

1 ~~(a) Permanent ban. No person subject to section 6344~~
2 ~~(relating to information relating to prospective child care~~
3 ~~personnel) or 6344.2 (relating to information relating to other~~
4 ~~persons having contact with children) shall be employed or serve~~
5 ~~as a volunteer where the information under section 6344(b)~~
6 ~~indicates that the person has been identified as follows:~~

7 ~~(1) Convicted of an offense under one or more of the~~
8 ~~following provisions of 18 Pa.C.S. (relating to crimes and~~
9 ~~offenses):~~

10 ~~Chapter 25 (relating to criminal homicide).~~

11 ~~Section 2702 (relating to aggravated assault).~~

12 ~~Section 2709.1 (relating to stalking).~~

13 ~~Section 2901 (relating to kidnapping).~~

14 ~~Section 2902 (relating to unlawful restraint).~~

15 ~~Section 2910 (relating to luring a child into a motor~~
16 ~~vehicle or structure).~~

17 ~~Section 3121 (relating to rape).~~

18 ~~Section 3122.1 (relating to statutory sexual~~
19 ~~assault).~~

20 ~~Section 3123 (relating to involuntary deviate sexual~~
21 ~~intercourse).~~

22 ~~Section 3124.1 (relating to sexual assault).~~

23 ~~Section 3124.2 (relating to institutional sexual~~
24 ~~assault).~~

25 ~~Section 3125 (relating to aggravated indecent~~
26 ~~assault).~~

27 ~~Section 3126 (relating to indecent assault).~~

28 ~~Section 3127 (relating to indecent exposure).~~

29 ~~Section 3129 (relating to sexual intercourse with~~
30 ~~animal).~~

1 ~~Section 4302 (relating to incest).~~

2 ~~Section 4303 (relating to concealing death of child).~~

3 ~~Section 4304 (relating to endangering welfare of~~
4 ~~children).~~

5 ~~Section 4305 (relating to dealing in infant~~
6 ~~children).~~

7 ~~A felony offense under section 5902(b) (relating to~~
8 ~~prostitution and related offenses).~~

9 ~~Section 5903(c) or (d) (relating to obscene and other~~
10 ~~sexual materials and performances).~~

11 ~~Section 6301(a)(1)(ii) (relating to corruption of~~
12 ~~minors).~~

13 ~~Section 6312 (relating to sexual abuse of children).~~

14 ~~Section 6318 (relating to unlawful contact with~~
15 ~~minor).~~

16 ~~Section 6319 (relating to solicitation of minors to~~
17 ~~traffic drugs).~~

18 ~~Section 6320 (relating to sexual exploitation of~~
19 ~~children).~~

20 ~~(2) Convicted of an offense similar in nature to those~~
21 ~~crimes listed in paragraph (1) under the laws or former laws~~
22 ~~of the United States or one of its territories or~~
23 ~~possessions, another state, the District of Columbia, the~~
24 ~~Commonwealth of Puerto Rico or a foreign nation, or under a~~
25 ~~former law of this Commonwealth.~~

26 ~~(3) Identified in the central register as the~~
27 ~~perpetrator of a founded report of child abuse that involved~~
28 ~~the sexual abuse or exploitation of a child, or founded~~
29 ~~report for school employee that involved sexual abuse or~~
30 ~~exploitation of a child.~~

1 ~~(b) Temporary ten year ban.~~

2 ~~(1) Subject to paragraph (2), no person subject to~~
3 ~~section 6344 or 6344.2 shall be employed or serve as a~~
4 ~~volunteer where the information under section 6344(b)~~
5 ~~indicates that the person has been convicted of a felony~~
6 ~~offense of the first, second or third degree for a crime~~
7 ~~other than those enumerated under subsection (a), where the~~
8 ~~victim is a child, or a felony offense under the act of April~~
9 ~~14, 1972 (P.L.233, No.64), known as The Controlled Substance,~~
10 ~~Drug, Device and Cosmetic Act.~~

11 ~~(2) The person under paragraph (1) shall be eligible for~~
12 ~~prospective employment or service as a volunteer only if a~~
13 ~~period of ten years has elapsed from the date of expiration~~
14 ~~of the sentence for the offense.~~

15 ~~(c) Temporary five year ban.~~

16 ~~(1) Subject to paragraph (2), no person subject to~~
17 ~~section 6344 or 6344.2 shall be employed or serve as a~~
18 ~~volunteer where the information under section 6344(b)~~
19 ~~indicates that the person has been:~~

20 ~~(i) convicted of a misdemeanor of the first degree~~
21 ~~for a crime, other than those enumerated under subsection~~
22 ~~(a), where the victim is a child; or~~

23 ~~(ii) identified in the central register as a~~
24 ~~perpetrator of a founded report of child abuse other than~~
25 ~~sexual abuse or exploitation or a founded report for~~
26 ~~school employee other than sexual abuse or exploitation.~~

27 ~~(2) The person under paragraph (1) shall be eligible for~~
28 ~~prospective employment or service as a volunteer only if a~~
29 ~~period of five years has elapsed from the date of:~~

30 ~~(i) the expiration of the sentence for the offense~~

1 ~~under paragraph (1)(i); or~~

2 ~~(ii) identification under paragraph (1)(ii).~~

3 ~~(d) Noninterference with decisions. Nothing in this section~~
4 ~~shall be construed to otherwise interfere with the ability of an~~
5 ~~employer or program, activity or service to make employment,~~
6 ~~discipline or termination decisions.~~

7 ~~(e) Transfer. Any person who has once obtained the~~
8 ~~information required under this section may transfer or provide~~
9 ~~services to another subsidiary or branch established and~~
10 ~~supervised by the same organization and shall not be required to~~
11 ~~obtain additional reports before making the transfer.~~

12 ~~(f) Written notice of new arrest, conviction or~~
13 ~~substantiated child abuse.~~

14 ~~(1) If an employee or volunteer subject to section 6344~~
15 ~~or 6344.2 is arrested or convicted for an offense that would~~
16 ~~constitute grounds for denying employment or participation in~~
17 ~~a program, activity or service under this section, or is~~
18 ~~named as perpetrator in a founded or indicated report of~~
19 ~~child abuse, the employee or volunteer shall provide the~~
20 ~~administrator or designee with written notice not later than~~
21 ~~72 hours after the arrest, conviction or notification that~~
22 ~~the person has been listed as a perpetrator of child abuse in~~
23 ~~the Statewide central register.~~

24 ~~(2) If the person responsible for employment decisions~~
25 ~~or the administrator of a program, activity or service has a~~
26 ~~reasonable belief that an employee or volunteer was arrested~~
27 ~~or convicted for an offense that would constitute grounds for~~
28 ~~denying employment or participation in a program, activity or~~
29 ~~service under this section, or was named as perpetrator in a~~
30 ~~founded or indicated report of child abuse, or the employee~~

~~or volunteer has provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require the employee or volunteer to submit current information as required under subsection 6344(b). The cost of the information set forth in subsection 6344(b) shall be borne by the employing entity or program, activity or service.~~

~~(g) Effect of noncompliance. An employee or volunteer who willfully fails to disclose information required by subsection (f) (1) commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment or volunteer position.~~

~~§ 6344.4. Certification compliance.~~

~~(a) Obtaining new certifications. A person identified in section 6344(a) (1) (relating to information relating to prospective child care personnel) or 6344.2 (relating to information relating to other persons having contact with children) shall be required to obtain the certifications required by this chapter every 24 months.~~

~~(b) Reports of changes. Within 48 hours, foster parents shall report any change in information required pursuant to section 6344(b) about themselves and any individuals over 18 years of age residing in their home for review by the foster family care agency in accordance with section 6344.~~

~~Section 5. This act shall take effect in 60 days.~~

SECTION 1. SECTION 2530 (B) (2) OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 2530. HOME STUDY AND PREPLACEMENT REPORT.

* * *

<--

1 (B) PREPLACEMENT REPORT.--A PREPLACEMENT REPORT SHALL BE
2 PREPARED BY THE AGENCY OR PERSON CONDUCTING THE HOME STUDY.

3 * * *

4 (2) THE PREPLACEMENT REPORT SHALL BE BASED UPON A STUDY
5 WHICH SHALL INCLUDE AN INVESTIGATION OF THE HOME ENVIRONMENT,
6 FAMILY LIFE, PARENTING SKILLS, AGE, PHYSICAL AND MENTAL
7 HEALTH, SOCIAL, CULTURAL AND RELIGIOUS BACKGROUND, FACILITIES
8 AND RESOURCES OF THE ADOPTIVE PARENTS AND THEIR ABILITY TO
9 MANAGE THEIR RESOURCES. THE PREPLACEMENT REPORT SHALL ALSO
10 INCLUDE THE INFORMATION REQUIRED BY SECTION 6344(B) (RELATING
11 TO [INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL]
12 EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE AND FOSTER
13 PARENTS).

14 * * *

15 SECTION 2. PARAGRAPH (13) OF THE DEFINITION OF "CHILD-CARE
16 SERVICES" AND THE DEFINITIONS OF "CHILD PROTECTIVE SERVICES,"
17 "COOPERATION WITH AN INVESTIGATION OR ASSESSMENT," "COUNTY
18 AGENCY," "DEPARTMENT," "INDICATED REPORT," "PROTECTIVE
19 SERVICES," "RECENT ACT," "RECENT ACT OR FAILURE TO ACT,"
20 "SECRETARY" AND "SUBJECT OF THE REPORT" IN SECTION 6303(A) OF
21 TITLE 23, AMENDED APRIL 7, 2014 (P.L.388, NO.29) AND MAY 14,
22 2014 (P.L.653, NO.45), ARE AMENDED TO READ:

23 § 6303. DEFINITIONS.

24 (A) GENERAL RULE.--THE FOLLOWING WORDS AND PHRASES WHEN USED
25 IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
26 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

27 * * *

28 "CHILD-CARE SERVICES." INCLUDES ANY OF THE FOLLOWING:

29 * * *

30 (13) OTHER CHILD-CARE SERVICES THAT ARE PROVIDED BY OR

1 SUBJECT TO APPROVAL, LICENSURE, REGISTRATION OR CERTIFICATION
2 BY THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT OR A COUNTY
3 SOCIAL SERVICES AGENCY OR THAT ARE PROVIDED PURSUANT TO A
4 CONTRACT WITH THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT
5 OR A COUNTY SOCIAL SERVICES AGENCY.

6 "CHILD PROTECTIVE SERVICES." THOSE SERVICES AND ACTIVITIES
7 PROVIDED BY THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT AND
8 EACH COUNTY AGENCY FOR CHILD ABUSE CASES.

9 * * *

10 "COOPERATION WITH AN INVESTIGATION OR ASSESSMENT." INCLUDES,
11 BUT IS NOT LIMITED TO, A SCHOOL OR SCHOOL DISTRICT WHICH PERMITS
12 AUTHORIZED PERSONNEL FROM THE [DEPARTMENT OF PUBLIC WELFARE]
13 DEPARTMENT OR COUNTY AGENCY TO INTERVIEW A STUDENT WHILE THE
14 STUDENT IS IN ATTENDANCE AT SCHOOL.

15 "COUNTY AGENCY." THE COUNTY CHILDREN AND YOUTH SOCIAL
16 SERVICE AGENCY ESTABLISHED PURSUANT TO SECTION 405 OF THE ACT OF
17 JUNE 24, 1937 (P.L.2017, NO.396), KNOWN AS THE COUNTY
18 INSTITUTION DISTRICT LAW, OR ITS SUCCESSOR, AND SUPERVISED BY
19 THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT UNDER ARTICLE IX
20 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC
21 WELFARE CODE.

22 "DEPARTMENT." THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN
23 SERVICES OF THE COMMONWEALTH.

24 * * *

25 "INDICATED REPORT."

26 (1) SUBJECT TO PARAGRAPHS (2) AND (3), A REPORT OF CHILD
27 ABUSE MADE PURSUANT TO THIS CHAPTER IF AN INVESTIGATION BY
28 THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT OR COUNTY
29 AGENCY DETERMINES THAT SUBSTANTIAL EVIDENCE OF THE ALLEGED
30 ABUSE BY A PERPETRATOR EXISTS BASED ON ANY OF THE FOLLOWING:

1 (I) AVAILABLE MEDICAL EVIDENCE.
2 (II) THE CHILD PROTECTIVE SERVICE INVESTIGATION.
3 (III) AN ADMISSION OF THE ACTS OF ABUSE BY THE
4 PERPETRATOR.

5 (2) A REPORT MAY BE INDICATED UNDER PARAGRAPH (1) (I) OR
6 (II) FOR ANY CHILD WHO IS THE VICTIM OF CHILD ABUSE,
7 REGARDLESS OF THE NUMBER OF ALLEGED PERPETRATORS.

8 (3) A REPORT MAY BE INDICATED UNDER PARAGRAPH (1) (I) OR
9 (II) LISTING THE PERPETRATOR AS "UNKNOWN" IF SUBSTANTIAL
10 EVIDENCE OF ABUSE BY A PERPETRATOR EXISTS, BUT THE DEPARTMENT
11 OR COUNTY AGENCY IS UNABLE TO IDENTIFY THE SPECIFIC
12 PERPETRATOR.

13 * * *

14 "PROTECTIVE SERVICES." THOSE SERVICES AND ACTIVITIES
15 PROVIDED BY THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT AND
16 EACH COUNTY AGENCY FOR CHILDREN WHO ARE ABUSED OR ARE ALLEGED TO
17 BE IN NEED OF PROTECTION UNDER THIS CHAPTER.

18 "RECENT ACT." ANY ACT COMMITTED WITHIN TWO YEARS OF THE DATE
19 OF THE REPORT TO THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT
20 OR COUNTY AGENCY.

21 "RECENT ACT OR FAILURE TO ACT." ANY ACT OR FAILURE TO ACT
22 COMMITTED WITHIN TWO YEARS OF THE DATE OF THE REPORT TO THE
23 [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT OR COUNTY AGENCY.

24 * * *

25 "SECRETARY." THE SECRETARY OF [PUBLIC WELFARE] HUMAN
26 SERVICES OF THE COMMONWEALTH.

27 * * *

28 "SUBJECT OF THE REPORT." ANY CHILD, PARENT, GUARDIAN OR
29 OTHER PERSON RESPONSIBLE FOR THE WELFARE OF A CHILD OR ANY
30 ALLEGED OR ACTUAL PERPETRATOR IN A REPORT MADE TO THE

1 [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT OR A COUNTY AGENCY
2 UNDER THIS CHAPTER.

3 * * *

4 SECTION 3. SECTION 6311(B)(1) OF TITLE 23, AMENDED APRIL 15,
5 2014 (P.L.414, NO.32) AND APRIL 15, 2014 (P.L.417, NO.33), IS
6 AMENDED AND SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO
7 READ:

8 § 6311. PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE.

9 (A) MANDATED REPORTERS.--THE FOLLOWING ADULTS SHALL MAKE A
10 REPORT OF SUSPECTED CHILD ABUSE, SUBJECT TO SUBSECTION (B), IF
11 THE PERSON HAS REASONABLE CAUSE TO SUSPECT THAT A CHILD IS A
12 VICTIM OF CHILD ABUSE:

13 * * *

14 (15) A FOSTER PARENT.

15 (B) BASIS TO REPORT.--

16 (1) A MANDATED REPORTER ENUMERATED IN SUBSECTION (A)
17 SHALL MAKE A REPORT OF SUSPECTED CHILD ABUSE [OR CAUSE A
18 REPORT TO BE MADE] IN ACCORDANCE WITH SECTION 6313 (RELATING
19 TO REPORTING PROCEDURE), IF THE MANDATED REPORTER HAS
20 REASONABLE CAUSE TO SUSPECT THAT A CHILD IS A VICTIM OF CHILD
21 ABUSE UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

22 * * *

23 SECTION 4. SECTION 6313 OF TITLE 23 IS AMENDED BY ADDING A
24 SUBSECTION TO READ:

25 § 6313. REPORTING PROCEDURE.

26 * * *

27 (E) APPLICABILITY OF MENTAL HEALTH PROCEDURES ACT.--
28 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MANDATED REPORTER
29 ENUMERATED UNDER 6311 (RELATING TO PERSONS REQUIRED TO REPORT
30 SUSPECTED CHILD ABUSE) WHO MAKES A REPORT OF SUSPECTED CHILD

1 ABUSE PURSUANT TO THIS SECTION, OR WHO MAKES A REPORT OF A CRIME
2 AGAINST A CHILD TO LAW ENFORCEMENT OFFICIALS, SHALL NOT BE IN
3 VIOLATION OF THE ACT OF JULY 9, 1976 (P.L.817, NO.143), KNOWN AS
4 THE MENTAL HEALTH PROCEDURES ACT, BY RELEASING INFORMATION
5 NECESSARY TO COMPLETE THE REPORT.

6 SECTION 5. SECTION 6335(E) INTRODUCTORY PARAGRAPH OF TITLE
7 23, AMENDED APRIL 7, 2014 (P.L.388, NO.29), IS AMENDED TO READ:
8 § 6335. ACCESS TO INFORMATION IN STATEWIDE DATABASE.

9 * * *

10 (E) CLEARANCES.--INFORMATION PROVIDED IN RESPONSE TO
11 INQUIRIES UNDER SECTION 6344 (RELATING TO [INFORMATION RELATING
12 TO PROSPECTIVE CHILD-CARE PERSONNEL] EMPLOYEES HAVING CONTACT
13 WITH CHILDREN; ADOPTIVE AND FOSTER PARENTS), 6344.1 (RELATING TO
14 INFORMATION RELATING TO [FAMILY] CERTIFIED OR REGISTERED DAY-
15 CARE HOME RESIDENTS) OR 6344.2 (RELATING TO [INFORMATION
16 RELATING TO OTHER PERSONS] VOLUNTEERS HAVING CONTACT WITH
17 CHILDREN) SHALL NOT INCLUDE UNFOUNDED REPORTS OF CHILD ABUSE OR
18 REPORTS RELATED TO GENERAL PROTECTIVE SERVICES AND SHALL BE
19 LIMITED TO THE FOLLOWING:

20 * * *

21 SECTION 6. SECTION 6338.1(A) (2) OF TITLE 23 IS AMENDED TO
22 READ:

23 § 6338.1. EXPUNCTION OF INFORMATION OF PERPETRATOR WHO WAS
24 UNDER 18 YEARS OF AGE WHEN CHILD ABUSE WAS COMMITTED.

25 (A) GENERAL RULE.--THE NAME OF A PERPETRATOR WHO IS THE
26 SUBJECT OF AN INDICATED REPORT OF CHILD ABUSE AND WHO WAS UNDER
27 18 YEARS OF AGE WHEN THE INDIVIDUAL COMMITTED CHILD ABUSE SHALL
28 BE EXPUNGED FROM THE STATEWIDE DATABASE WHEN THE INDIVIDUAL
29 REACHES 21 YEARS OF AGE OR WHEN FIVE YEARS HAVE ELAPSED SINCE
30 THE PERPETRATOR'S NAME WAS ADDED TO THE DATABASE, WHICHEVER IS

1 LATER, IF THE INDIVIDUAL MEETS ALL OF THE FOLLOWING:

2 * * *

3 (2) THE INDIVIDUAL HAS NEVER BEEN CONVICTED OR
4 ADJUDICATED DELINQUENT FOLLOWING A DETERMINATION BY THE COURT
5 THAT THE INDIVIDUAL COMMITTED AN OFFENSE UNDER SECTION
6 6344(C) (RELATING TO [INFORMATION RELATING TO PROSPECTIVE
7 CHILD-CARE PERSONNEL] EMPLOYEES HAVING CONTACT WITH CHILDREN;
8 ADOPTIVE AND FOSTER PARENTS), AND NO PROCEEDING IS PENDING
9 SEEKING SUCH CONVICTION OR ADJUDICATION.

10 * * *

11 SECTION 7. SECTIONS 6339 AND 6340(A)(9)(I) AND (C) OF TITLE
12 23, AMENDED APRIL 7, 2014 (P.L.388, NO.29), ARE AMENDED TO READ:
13 § 6339. CONFIDENTIALITY OF REPORTS.

14 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBCHAPTER OR BY THE
15 PENNSYLVANIA RULES OF JUVENILE COURT PROCEDURE, REPORTS MADE
16 PURSUANT TO THIS CHAPTER, INCLUDING, BUT NOT LIMITED TO, REPORT
17 SUMMARIES OF CHILD ABUSE AND REPORTS MADE PURSUANT TO SECTION
18 6313 (RELATING TO REPORTING PROCEDURE) AS WELL AS ANY OTHER
19 INFORMATION OBTAINED, REPORTS WRITTEN OR PHOTOGRAPHS OR X-RAYS
20 TAKEN CONCERNING ALLEGED INSTANCES OF CHILD ABUSE IN THE
21 POSSESSION OF THE DEPARTMENT OR A COUNTY AGENCY SHALL BE
22 CONFIDENTIAL.

23 § 6340. RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS.

24 (A) GENERAL RULE.--REPORTS SPECIFIED IN SECTION 6339
25 (RELATING TO CONFIDENTIALITY OF REPORTS) SHALL ONLY BE MADE
26 AVAILABLE TO:

27 * * *

28 (9) LAW ENFORCEMENT OFFICIALS OF ANY JURISDICTION, AS
29 LONG AS THE INFORMATION IS RELEVANT IN THE COURSE OF
30 INVESTIGATING CASES OF:

1 (I) HOMICIDE OR OTHER CRIMINAL OFFENSE SET FORTH IN
2 SECTION 6344(C) (RELATING TO [INFORMATION RELATING TO
3 PROSPECTIVE CHILD-CARE PERSONNEL] EMPLOYEES HAVING
4 CONTACT WITH CHILDREN; ADOPTIVE AND FOSTER PARENTS),
5 SEXUAL ABUSE OR EXPLOITATION, BODILY INJURY OR SERIOUS
6 BODILY INJURY CAUSED BY A PERPETRATOR OR NONPERPETRATOR.

7 * * *

8 (C) PROTECTING IDENTITY.--EXCEPT FOR REPORTS UNDER
9 SUBSECTION (A) (9) AND (10) AND IN RESPONSE TO A LAW ENFORCEMENT
10 OFFICIAL INVESTIGATING ALLEGATIONS OF FALSE REPORTS UNDER 18
11 PA.C.S. § 4906.1 (RELATING TO FALSE REPORTS OF CHILD ABUSE), THE
12 RELEASE OF DATA BY THE DEPARTMENT, COUNTY, INSTITUTION, SCHOOL,
13 FACILITY OR AGENCY OR DESIGNATED AGENT OF THE PERSON IN CHARGE
14 THAT WOULD IDENTIFY THE PERSON WHO MADE A REPORT OF SUSPECTED
15 CHILD ABUSE OR WHO COOPERATED IN A SUBSEQUENT INVESTIGATION IS
16 PROHIBITED [UNLESS THE DEPARTMENT FINDS THAT THE RELEASE WILL
17 NOT BE DETRIMENTAL TO THE SAFETY OF THE PERSON]. LAW ENFORCEMENT
18 OFFICIALS SHALL TREAT ALL REPORTING SOURCES AS CONFIDENTIAL
19 INFORMANTS.

20 * * *

21 SECTION 8. SECTION 6344 HEADING, (A), (B), (C) (3), (D) (3),
22 (4), (5) AND (6), (K), (L), (M), (N) AND (P) OF TITLE 23,
23 AMENDED MAY 14, 2014 (P.L.653, NO.45), ARE AMENDED, SUBSECTION
24 (D) IS AMENDED BY ADDING A PARAGRAPH AND THE SECTION IS AMENDED
25 BY ADDING SUBSECTIONS TO READ:

26 § 6344. [INFORMATION RELATING TO PROSPECTIVE CHILD-CARE
27 PERSONNEL] EMPLOYEES HAVING CONTACT WITH CHILDREN;
28 ADOPTIVE AND FOSTER PARENTS.

29 (A) APPLICABILITY.--[THIS SECTION APPLIES TO ALL PROSPECTIVE
30 EMPLOYEES OF CHILD-CARE SERVICES, PROSPECTIVE FOSTER PARENTS,

1 PROSPECTIVE ADOPTIVE PARENTS, PROSPECTIVE SELF-EMPLOYED FAMILY
2 DAY-CARE PROVIDERS AND OTHER PERSONS SEEKING TO PROVIDE CHILD-
3 CARE SERVICES UNDER CONTRACT WITH A CHILD-CARE FACILITY OR
4 PROGRAM. THIS SECTION ALSO APPLIES TO INDIVIDUALS 14 YEARS OF
5 AGE OR OLDER WHO RESIDE IN THE HOME OF A PROSPECTIVE FOSTER
6 PARENT FOR AT LEAST 30 DAYS IN A CALENDAR YEAR OR WHO RESIDE IN
7 THE HOME OF A PROSPECTIVE ADOPTIVE PARENT FOR AT LEAST 30 DAYS
8 IN A CALENDAR YEAR. THIS SECTION DOES NOT APPLY TO
9 ADMINISTRATIVE OR OTHER SUPPORT PERSONNEL UNLESS THEIR DUTIES
10 WILL INVOLVE DIRECT CONTACT WITH CHILDREN.] BEGINNING DECEMBER
11 31, 2014, THIS SECTION APPLIES TO THE FOLLOWING INDIVIDUALS:

12 (1) AN EMPLOYEE OF CHILD-CARE SERVICES.

13 (2) A FOSTER PARENT.

14 (3) A PROSPECTIVE ADOPTIVE PARENT.

15 (4) A SELF-EMPLOYED FAMILY DAY-CARE PROVIDER.

16 (5) AN INDIVIDUAL 14 YEARS OF AGE OR OLDER APPLYING FOR
17 A PAID POSITION AS AN EMPLOYEE RESPONSIBLE FOR THE WELFARE OF
18 A CHILD OR HAVING DIRECT CONTACT WITH CHILDREN.

19 (6) ANY INDIVIDUAL SEEKING TO PROVIDE CHILD-CARE
20 SERVICES UNDER CONTRACT WITH A CHILD-CARE FACILITY OR
21 PROGRAM.

22 (7) AN INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO RESIDES
23 IN THE HOME OF A FOSTER PARENT FOR AT LEAST 30 DAYS IN A
24 CALENDAR YEAR OR WHO RESIDES IN THE HOME OF A PROSPECTIVE
25 ADOPTIVE PARENT FOR AT LEAST 30 DAYS IN A CALENDAR YEAR.

26 (A.1) SCHOOL EMPLOYEES.--THIS SECTION SHALL APPLY TO SCHOOL
27 EMPLOYEES AS FOLLOWS:

28 (1) SCHOOL EMPLOYEES GOVERNED BY THE PROVISIONS OF THE
29 ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
30 SCHOOL CODE OF 1949, SHALL BE SUBJECT TO THE PROVISIONS OF

1 SECTION 111 OF THE PUBLIC SCHOOL CODE OF 1949, EXCEPT THAT
2 THIS SECTION SHALL APPLY WITH REGARD TO THE INFORMATION
3 REQUIRED UNDER SUBSECTION (B) (2).

4 (2) SCHOOL EMPLOYEES NOT GOVERNED BY THE PROVISIONS OF
5 THE PUBLIC SCHOOL CODE OF 1949 SHALL BE GOVERNED BY THIS
6 SECTION.

7 (B) INFORMATION TO BE SUBMITTED.--AN INDIVIDUAL IDENTIFIED
8 IN SUBSECTION [(A) (6)] (A) (7) AT THE TIME THE INDIVIDUAL MEETS
9 THE DESCRIPTION SET FORTH IN SUBSECTION [(A) (6)] (A) (7) AND AN
10 INDIVIDUAL [APPLYING TO SERVE IN ANY CAPACITY] IDENTIFIED IN
11 SUBSECTION (A) (1), (2), (3), (4) [OR] (5) OR (6) OR (A.1) PRIOR
12 TO THE COMMENCEMENT OF EMPLOYMENT OR SERVICE SHALL BE REQUIRED
13 TO SUBMIT THE FOLLOWING INFORMATION [OBTAINED WITHIN THE
14 PRECEDING ONE-YEAR PERIOD:] TO AN EMPLOYER, ADMINISTRATOR,
15 SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS
16 OR INVOLVED IN THE SELECTION OF VOLUNTEERS:

17 (1) PURSUANT TO 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL
18 HISTORY RECORD INFORMATION), A REPORT OF CRIMINAL HISTORY
19 RECORD INFORMATION FROM THE PENNSYLVANIA STATE POLICE OR A
20 STATEMENT FROM THE PENNSYLVANIA STATE POLICE THAT THE STATE
21 POLICE CENTRAL REPOSITORY CONTAINS NO SUCH INFORMATION
22 RELATING TO THAT PERSON. THE CRIMINAL HISTORY RECORD
23 INFORMATION SHALL BE LIMITED TO THAT WHICH IS DISSEMINATED
24 PURSUANT TO 18 PA.C.S. § 9121(B) (2) (RELATING TO GENERAL
25 REGULATIONS).

26 (2) A CERTIFICATION FROM THE DEPARTMENT AS TO WHETHER
27 THE APPLICANT IS NAMED IN THE STATEWIDE DATABASE AS THE
28 ALLEGED PERPETRATOR IN A PENDING CHILD ABUSE INVESTIGATION OR
29 AS THE PERPETRATOR OF A FOUNDED REPORT [OF CHILD ABUSE] OR AN
30 INDICATED REPORT [OF CHILD ABUSE].

1 (3) A REPORT OF FEDERAL CRIMINAL HISTORY RECORD
2 INFORMATION. THE APPLICANT SHALL SUBMIT A FULL SET OF
3 FINGERPRINTS [IN A MANNER PRESCRIBED BY THE DEPARTMENT. THE
4 COMMONWEALTH SHALL SUBMIT THE FINGERPRINTS TO THE FEDERAL
5 BUREAU OF INVESTIGATION IN ORDER TO OBTAIN A REPORT OF
6 FEDERAL CRIMINAL HISTORY RECORD INFORMATION AND SERVE AS
7 INTERMEDIARY FOR THE PURPOSES OF THIS SECTION.] TO THE
8 PENNSYLVANIA STATE POLICE FOR THE PURPOSE OF A RECORD CHECK,
9 AND THE PENNSYLVANIA STATE POLICE OR ITS AUTHORIZED AGENT
10 SHALL SUBMIT THE FINGERPRINTS TO THE FEDERAL BUREAU OF
11 INVESTIGATION FOR THE PURPOSE OF VERIFYING THE IDENTITY OF
12 THE APPLICANT AND OBTAINING A CURRENT RECORD OF ANY CRIMINAL
13 ARRESTS AND CONVICTIONS.

14 [FOR THE PURPOSES OF THIS SUBSECTION, AN APPLICANT MAY SUBMIT A
15 COPY OF THE INFORMATION REQUIRED UNDER PARAGRAPHS (1) AND (2)
16 WITH AN APPLICATION FOR EMPLOYMENT. ADMINISTRATORS SHALL
17 MAINTAIN A COPY OF THE REQUIRED INFORMATION AND SHALL REQUIRE
18 APPLICANTS TO PRODUCE THE ORIGINAL DOCUMENT PRIOR TO
19 EMPLOYMENT.]

20 (B.1) REQUIRED DOCUMENTATION TO BE MAINTAINED AND
21 PRODUCED.--THE EMPLOYER, ADMINISTRATOR, SUPERVISOR OR OTHER
22 PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS OR ACCEPTANCE OF THE
23 INDIVIDUAL TO SERVE IN ANY CAPACITY IDENTIFIED IN SUBSECTION (A)
24 (1), (2), (3), (4), (5) OR (6) OR (A.1) SHALL MAINTAIN A COPY OF
25 THE REQUIRED INFORMATION AND REQUIRE THE INDIVIDUAL TO PRODUCE
26 THE ORIGINAL DOCUMENT PRIOR TO EMPLOYMENT OR ACCEPTANCE TO SERVE
27 IN ANY SUCH CAPACITY, EXCEPT AS ALLOWED UNDER SUBSECTION (M).

28 (B.2) INVESTIGATION.--AN EMPLOYER, ADMINISTRATOR, SUPERVISOR
29 OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS SHALL
30 REQUIRE AN APPLICANT TO SUBMIT THE REQUIRED DOCUMENTATION SET

1 FORTH IN THIS CHAPTER. AN EMPLOYER, ADMINISTRATOR, SUPERVISOR OR
2 OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS THAT
3 INTENTIONALLY FAILS TO REQUIRE AN APPLICANT TO SUBMIT THE
4 REQUIRED DOCUMENTATION BEFORE THE APPLICANT'S HIRING COMMITS A
5 MISDEMEANOR OF THE THIRD DEGREE.

6 (C) GROUNDS FOR DENYING EMPLOYMENT OR PARTICIPATION IN
7 PROGRAM, ACTIVITY OR SERVICE.--

8 * * *

9 (3) IN NO CASE SHALL AN [ADMINISTRATOR] EMPLOYER,
10 ADMINISTRATOR, SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR
11 EMPLOYMENT DECISIONS HIRE OR APPROVE AN APPLICANT IF THE
12 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION INDICATES THE
13 APPLICANT HAS BEEN CONVICTED OF A FELONY OFFENSE UNDER THE
14 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE
15 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT,
16 COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING
17 VERIFICATION UNDER THIS SECTION.

18 (C.1) DISMISSAL.--IF THE INFORMATION OBTAINED PURSUANT TO
19 SUBSECTION (B) REVEALS THAT THE APPLICANT IS DISQUALIFIED FROM
20 EMPLOYMENT OR APPROVAL PURSUANT TO SUBSECTION (C), THE APPLICANT
21 SHALL BE IMMEDIATELY DISMISSED FROM EMPLOYMENT OR APPROVAL.

22 (D) PROSPECTIVE ADOPTIVE OR FOSTER PARENTS.--WITH REGARD TO
23 PROSPECTIVE ADOPTIVE OR PROSPECTIVE FOSTER PARENTS, THE
24 FOLLOWING SHALL APPLY:

25 * * *

26 [(3) FOSTER PARENTS AND ANY INDIVIDUAL OVER 18 YEARS OF
27 AGE RESIDING IN THE HOME SHALL BE REQUIRED TO SUBMIT THE
28 INFORMATION SET FORTH IN SUBSECTION (B) EVERY 24 MONTHS
29 FOLLOWING APPROVAL FOR REVIEW BY THE FOSTER FAMILY CARE
30 AGENCY IN ACCORDANCE WITH SUBSECTION (C).

1 (4) FOSTER PARENTS SHALL BE REQUIRED TO REPORT, WITHIN
2 48 HOURS, ANY CHANGE IN INFORMATION REQUIRED PURSUANT TO
3 SUBSECTION (B) ABOUT THEMSELVES AND ANY INDIVIDUALS OVER THE
4 AGE OF 18 YEARS RESIDING IN THE HOME FOR REVIEW BY THE FOSTER
5 FAMILY CARE AGENCY IN ACCORDANCE WITH SUBSECTION (C).]

6 (4.1) IF A FOSTER PARENT IS ARRESTED FOR OR CONVICTED OF
7 AN OFFENSE THAT WOULD CONSTITUTE GROUNDS FOR DENYING APPROVAL
8 UNDER THIS CHAPTER, OR IS NAMED AS A PERPETRATOR IN A FOUNDED
9 OR INDICATED REPORT, THE FOSTER PARENT SHALL PROVIDE THE
10 FOSTER FAMILY CARE AGENCY WITH WRITTEN NOTICE NOT LATER THAN
11 72 HOURS AFTER THE ARREST, CONVICTION OR NOTIFICATION THAT
12 THE FOSTER PARENT WAS NAMED AS A PERPETRATOR IN THE STATEWIDE
13 DATABASE.

14 (5) FOSTER PARENTS SHALL BE REQUIRED TO REPORT ANY OTHER
15 CHANGE IN THE FOSTER FAMILY HOUSEHOLD COMPOSITION WITHIN 30
16 DAYS OF THE CHANGE FOR REVIEW BY THE FOSTER FAMILY CARE
17 AGENCY. IF ANY INDIVIDUAL OVER 18 YEARS OF AGE, WHO HAS
18 RESIDED OUTSIDE THIS COMMONWEALTH AT ANY TIME WITHIN THE
19 PREVIOUS FIVE-YEAR PERIOD, BEGINS RESIDING IN THE HOME OF AN
20 APPROVED FOSTER FAMILY, THAT INDIVIDUAL SHALL, WITHIN 30 DAYS
21 OF BEGINNING RESIDENCE, SUBMIT TO THE FOSTER FAMILY CARE
22 AGENCY A CERTIFICATION OBTAINED [WITHIN THE PREVIOUS ONE-YEAR
23 PERIOD] FROM THE STATEWIDE [CENTRAL REGISTRY] DATABASE, OR
24 ITS EQUIVALENT IN EACH STATE IN WHICH THE PERSON HAS RESIDED
25 WITHIN THE PREVIOUS FIVE-YEAR PERIOD, AS TO WHETHER THE
26 PERSON IS NAMED AS A PERPETRATOR [OF CHILD ABUSE]. IF THE
27 CERTIFICATION SHOWS THAT THE PERSON IS NAMED AS A PERPETRATOR
28 [OF CHILD ABUSE] WITHIN THE PREVIOUS FIVE-YEAR PERIOD, THE
29 FOSTER FAMILY CARE AGENCY SHALL FORWARD THE CERTIFICATION TO
30 THE DEPARTMENT FOR REVIEW. IF THE DEPARTMENT DETERMINES THAT

1 THE PERSON IS NAMED AS THE EQUIVALENT OF A PERPETRATOR OF A
2 FOUNDED REPORT [OF CHILD ABUSE] WITHIN THE PREVIOUS FIVE-YEAR
3 PERIOD AND THE PERSON DOES NOT CEASE RESIDING IN THE HOME
4 IMMEDIATELY, THE [FOSTER CHILD OR CHILDREN SHALL IMMEDIATELY
5 BE REMOVED FROM THE HOME WITHOUT A HEARING.] COUNTY AGENCY
6 SHALL IMMEDIATELY SEEK COURT AUTHORIZATION TO REMOVE THE
7 FOSTER CHILD OR CHILDREN FROM THE HOME. IN EMERGENCY
8 SITUATIONS WHEN A JUDGE CANNOT BE REACHED, THE COUNTY AGENCY
9 SHALL PROCEED IN ACCORDANCE WITH THE PENNSYLVANIA RULES OF
10 JUVENILE COURT PROCEDURE.

11 (6) IN CASES WHERE FOSTER PARENTS KNOWINGLY FAIL TO
12 SUBMIT THE MATERIAL INFORMATION REQUIRED IN PARAGRAPHS [(3),
13 (4)] (4.1) AND (5) AND SECTION 6344.4 (RELATING TO
14 CERTIFICATION COMPLIANCE) SUCH THAT IT WOULD DISQUALIFY THEM
15 AS FOSTER PARENTS, THE [CHILD SHALL IMMEDIATELY BE REMOVED
16 FROM THE HOME WITHOUT A HEARING.] COUNTY AGENCY SHALL
17 IMMEDIATELY SEEK COURT AUTHORIZATION TO REMOVE THE FOSTER
18 CHILD OR CHILDREN FROM THE HOME. IN EMERGENCY SITUATIONS WHEN
19 A JUDGE CANNOT BE REACHED, THE COUNTY AGENCY SHALL PROCEED IN
20 ACCORDANCE WITH THE PENNSYLVANIA RULES OF JUVENILE COURT
21 PROCEDURE.

22 * * *

23 [(K) EXISTING OR TRANSFERRED EMPLOYEES.--A PERSON EMPLOYED
24 IN CHILD-CARE SERVICES ON JULY 1, 2008, SHALL NOT BE REQUIRED TO
25 OBTAIN THE INFORMATION REQUIRED IN SUBSECTION (B) AS A CONDITION
26 OF CONTINUED EMPLOYMENT. A PERSON WHO HAS ONCE OBTAINED THE
27 INFORMATION REQUIRED UNDER SUBSECTION (B) MAY TRANSFER TO
28 ANOTHER CHILD-CARE SERVICE ESTABLISHED AND SUPERVISED BY THE
29 SAME ORGANIZATION AND SHALL NOT BE REQUIRED TO OBTAIN ADDITIONAL
30 REPORTS BEFORE MAKING THE TRANSFER.

1 (L) TEMPORARY EMPLOYEES UNDER SPECIAL PROGRAMS.--THE
2 REQUIREMENTS OF THIS SECTION DO NOT APPLY TO EMPLOYEES OF CHILD-
3 CARE SERVICES WHO MEET ALL THE FOLLOWING REQUIREMENTS:

4 (1) THEY ARE UNDER 21 YEARS OF AGE.

5 (2) THEY ARE EMPLOYED FOR PERIODS OF 90 DAYS OR LESS.

6 (3) THEY ARE A PART OF A JOB DEVELOPMENT OR JOB TRAINING
7 PROGRAM FUNDED, IN WHOLE OR IN PART, BY PUBLIC OR PRIVATE
8 SOURCES.

9 ONCE EMPLOYMENT OF A PERSON WHO MEETS THESE CONDITIONS EXTENDS
10 BEYOND 90 DAYS, ALL REQUIREMENTS OF THIS SECTION SHALL TAKE
11 EFFECT.]

12 (M) PROVISIONAL EMPLOYEES FOR LIMITED PERIODS.--
13 NOTWITHSTANDING SUBSECTION (B), [ADMINISTRATORS] EMPLOYERS,
14 ADMINISTRATORS, SUPERVISORS OR OTHER PERSONS RESPONSIBLE FOR
15 EMPLOYMENT DECISIONS MAY EMPLOY APPLICANTS ON A PROVISIONAL
16 BASIS FOR A SINGLE PERIOD NOT TO EXCEED [30 DAYS OR, FOR OUT-OF-
17 STATE APPLICANTS, A PERIOD OF] 90 DAYS, IF ALL OF THE FOLLOWING
18 CONDITIONS ARE MET:

19 (1) THE APPLICANT HAS APPLIED FOR THE INFORMATION
20 REQUIRED UNDER SUBSECTION (B) AND THE APPLICANT PROVIDES A
21 COPY OF THE APPROPRIATE COMPLETED REQUEST FORMS TO THE
22 [ADMINISTRATOR] EMPLOYER, ADMINISTRATOR, SUPERVISOR OR OTHER
23 PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS.

24 (2) THE [ADMINISTRATOR] EMPLOYER, ADMINISTRATOR,
25 SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT
26 DECISIONS HAS NO KNOWLEDGE OF INFORMATION PERTAINING TO THE
27 APPLICANT WHICH WOULD DISQUALIFY HIM FROM EMPLOYMENT PURSUANT
28 TO SUBSECTION (C).

29 (3) THE APPLICANT SWEARS OR AFFIRMS IN WRITING THAT HE
30 IS NOT DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUBSECTION

1 (C) [.] OR HAS NOT BEEN CONVICTED OF AN OFFENSE SIMILAR IN
2 NATURE TO THOSE CRIMES LISTED IN SUBSECTION (C) UNDER THE
3 LAWS OR FORMER LAWS OF THE UNITED STATES OR ONE OF ITS
4 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
5 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN
6 NATION, OR UNDER A FORMER LAW OF THIS COMMONWEALTH.

7 (4) IF THE INFORMATION OBTAINED PURSUANT TO SUBSECTION
8 (B) REVEALS THAT THE APPLICANT IS DISQUALIFIED FROM
9 EMPLOYMENT PURSUANT TO SUBSECTION (C), THE APPLICANT SHALL BE
10 IMMEDIATELY DISMISSED BY THE [ADMINISTRATOR] EMPLOYER,
11 ADMINISTRATOR, SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR
12 EMPLOYMENT DECISIONS.

13 (5) THE [ADMINISTRATOR] EMPLOYER, ADMINISTRATOR,
14 SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT
15 DECISIONS REQUIRES THAT THE APPLICANT NOT BE PERMITTED TO
16 WORK ALONE WITH CHILDREN AND THAT THE APPLICANT WORK IN THE
17 IMMEDIATE VICINITY OF A PERMANENT EMPLOYEE.

18 (N) CONFIDENTIALITY.--THE INFORMATION PROVIDED AND COMPILED
19 UNDER THIS SECTION, INCLUDING, BUT NOT LIMITED TO, THE NAMES,
20 ADDRESSES AND TELEPHONE NUMBERS OF APPLICANTS AND FOSTER AND
21 ADOPTIVE PARENTS, SHALL BE CONFIDENTIAL AND SHALL NOT BE SUBJECT
22 TO THE ACT OF [JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS
23 THE RIGHT-TO-KNOW LAW] FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS
24 THE RIGHT-TO-KNOW LAW. THIS INFORMATION SHALL NOT BE RELEASED
25 EXCEPT AS PERMITTED BY THE DEPARTMENT THROUGH REGULATION.

26 * * *

27 (P) USE OF INFORMATION.--A PROSPECTIVE ADOPTIVE PARENT MAY
28 NOT BE APPROVED IF THE PROSPECTIVE ADOPTIVE PARENT OR AN
29 INDIVIDUAL [14] 18 YEARS OF AGE OR OLDER WHO RESIDES FOR AT
30 LEAST 30 DAYS IN A CALENDAR YEAR WITH THE PROSPECTIVE ADOPTIVE

1 PARENT MEETS EITHER OF THE FOLLOWING:

2 (1) IS NAMED IN THE STATEWIDE DATABASE AS THE
3 PERPETRATOR OF A FOUNDED REPORT COMMITTED WITHIN THE FIVE-
4 YEAR PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO
5 THIS SECTION.

6 (2) HAS BEEN FOUND GUILTY OF AN OFFENSE LISTED IN
7 SUBSECTION (C).

8 SECTION 9. SECTION 6344.1 HEADING AND (A), (B) AND (C) OF
9 TITLE 23, AMENDED APRIL 14, 2014 (P.L.388, NO.29) AND MAY 14,
10 2014 (P.L.653, NO.45), ARE AMENDED TO READ:

11 § 6344.1. INFORMATION RELATING TO [FAMILY] CERTIFIED OR
12 REGISTERED DAY-CARE HOME RESIDENTS.

13 (A) GENERAL RULE.--IN ADDITION TO THE REQUIREMENTS OF
14 SECTION 6344 (RELATING TO [INFORMATION RELATING TO PROSPECTIVE
15 CHILD-CARE PERSONNEL] EMPLOYEES HAVING CONTACT WITH CHILDREN;
16 ADOPTIVE AND FOSTER PARENTS), AN INDIVIDUAL WHO APPLIES TO THE
17 DEPARTMENT FOR A CERTIFICATE OF COMPLIANCE OR A REGISTRATION
18 CERTIFICATE TO [OPERATE A FAMILY DAY-CARE HOME] PROVIDE CHILD
19 DAY CARE IN A RESIDENCE SHALL INCLUDE CRIMINAL HISTORY RECORD
20 AND CHILD ABUSE RECORD INFORMATION REQUIRED UNDER SECTION
21 6344(B) FOR EVERY INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO
22 RESIDES IN THE HOME FOR AT LEAST 30 DAYS IN A CALENDAR YEAR.

23 (B) REQUIRED INFORMATION.--CHILD ABUSE RECORD INFORMATION
24 REQUIRED UNDER SUBSECTION (A) SHALL INCLUDE CERTIFICATION BY THE
25 DEPARTMENT AS TO WHETHER THE APPLICANT IS NAMED IN THE STATEWIDE
26 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT OR AN INDICATED
27 REPORT [OF CHILD ABUSE].

28 (C) EFFECT ON CERTIFICATION OR REGISTRATION.--THE DEPARTMENT
29 SHALL REFUSE TO ISSUE OR RENEW A CERTIFICATE OF COMPLIANCE OR
30 REGISTRATION CERTIFICATE OR SHALL REVOKE A CERTIFICATE OF

1 COMPLIANCE OR REGISTRATION CERTIFICATE IF THE [FAMILY] DAY-CARE
2 HOME PROVIDER OR INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO HAS
3 RESIDED IN THE HOME FOR AT LEAST 30 DAYS IN A CALENDAR YEAR:

4 (1) IS NAMED IN THE STATEWIDE DATABASE [ON CHILD ABUSE
5 ESTABLISHED UNDER CHAPTER 63 (RELATING TO CHILD PROTECTIVE
6 SERVICES)] AS THE PERPETRATOR OF A FOUNDED REPORT COMMITTED
7 WITHIN THE IMMEDIATELY PRECEDING FIVE-YEAR PERIOD; OR

8 (2) HAS BEEN CONVICTED OF AN OFFENSE ENUMERATED IN
9 SECTION 6344(C).

10 * * *

11 SECTION 10. SECTION 6344.2 OF TITLE 23, AMENDED MAY 14, 2014
12 (P.L.653, NO.45), IS AMENDED TO READ:

13 § 6344.2. [INFORMATION RELATING TO OTHER PERSONS] VOLUNTEERS
14 HAVING CONTACT WITH CHILDREN.

15 (A) APPLICABILITY.--[THIS SECTION APPLIES TO PROSPECTIVE
16 EMPLOYEES APPLYING TO ENGAGE IN OCCUPATIONS WITH A SIGNIFICANT
17 LIKELIHOOD OF REGULAR CONTACT WITH CHILDREN, IN THE FORM OF
18 CARE, GUIDANCE, SUPERVISION OR TRAINING. SUCH PERSONS INCLUDE
19 SOCIAL SERVICE WORKERS, HOSPITAL PERSONNEL, MENTAL HEALTH
20 PROFESSIONALS, MEMBERS OF THE CLERGY, COUNSELORS, LIBRARIANS AND
21 DOCTORS.] THIS SECTION APPLIES TO AN ADULT APPLYING FOR AN
22 UNPAID POSITION AS A VOLUNTEER RESPONSIBLE FOR THE WELFARE OF A
23 CHILD OR HAVING DIRECT CONTACT WITH CHILDREN.

24 [(A.1) SCHOOL EMPLOYEES.--THIS SECTION SHALL APPLY TO SCHOOL
25 EMPLOYEES AS FOLLOWS:

26 (1) SCHOOL EMPLOYEES GOVERNED BY THE PROVISIONS OF THE
27 ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
28 SCHOOL CODE OF 1949, SHALL BE SUBJECT TO THE PROVISIONS OF
29 SECTION 111 OF THE PUBLIC SCHOOL CODE OF 1949, EXCEPT THAT
30 THIS SECTION SHALL APPLY WITH REGARD TO THE INFORMATION

1 REQUIRED UNDER SECTION 6344(B) (2) (RELATING TO INFORMATION
2 RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL) .

3 (2) SCHOOL EMPLOYEES NOT GOVERNED BY THE PROVISIONS OF
4 THE PUBLIC SCHOOL CODE OF 1949 SHALL BE GOVERNED BY THIS
5 SECTION.]

6 (B) INVESTIGATION.--EMPLOYERS, ADMINISTRATORS [OR],
7 SUPERVISORS OR OTHER PERSONS RESPONSIBLE FOR [EMPLOYMENT
8 DECISIONS OR] SELECTION OF VOLUNTEERS SHALL REQUIRE AN APPLICANT
9 TO SUBMIT TO ALL REQUIREMENTS SET FORTH IN SECTION 6344(B)
10 (RELATING TO EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE
11 AND FOSTER PARENTS) EXCEPT AS PROVIDED IN SUBSECTION (B.1) . AN
12 EMPLOYER, ADMINISTRATOR, SUPERVISOR OR OTHER PERSON RESPONSIBLE
13 FOR [EMPLOYMENT DECISIONS OR] SELECTION OF VOLUNTEERS REGARDING
14 AN APPLICABLE PROSPECTIVE [EMPLOYEE OR] VOLUNTEER UNDER THIS
15 SECTION THAT INTENTIONALLY FAILS TO REQUIRE THE SUBMISSIONS
16 BEFORE HIRING THAT INDIVIDUAL COMMITS A MISDEMEANOR OF THE THIRD
17 DEGREE.

18 (B.1) EXCEPTION.--

19 (1) A PERSON RESPONSIBLE FOR THE SELECTION OF VOLUNTEERS
20 UNDER THIS CHAPTER SHALL REQUIRE AN APPLICABLE PROSPECTIVE
21 VOLUNTEER PRIOR TO THE COMMENCEMENT OF SERVICE TO SUBMIT ONLY
22 THE INFORMATION UNDER SECTION 6344(B) (1) AND (2), IF THE
23 FOLLOWING APPLY:

24 (I) THE POSITION THE PROSPECTIVE VOLUNTEER IS
25 APPLYING FOR IS UNPAID.

26 (II) THE PROSPECTIVE VOLUNTEER HAS BEEN A RESIDENT
27 OF THIS COMMONWEALTH DURING THE ENTIRETY OF THE PREVIOUS
28 TEN-YEAR PERIOD.

29 (III) THE PROSPECTIVE VOLUNTEER SWEARS OR AFFIRMS IN
30 WRITING THAT THE PROSPECTIVE VOLUNTEER IS NOT

1 DISQUALIFIED FROM SERVICE PURSUANT TO SECTION 6344(C) OR
2 HAS NOT BEEN CONVICTED OF AN OFFENSE SIMILAR IN NATURE TO
3 THOSE CRIMES LISTED IN SECTION 6344(C) UNDER THE LAWS OR
4 FORMER LAWS OF THE UNITED STATES OR ONE OF ITS
5 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT
6 OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN
7 NATION, OR UNDER A FORMER LAW OF THIS COMMONWEALTH.

8 (2) IF THE INFORMATION OBTAINED PURSUANT TO SECTION
9 6344(B) REVEALS THAT THE PROSPECTIVE VOLUNTEER APPLICANT IS
10 DISQUALIFIED FROM SERVICE PURSUANT TO SECTION 6344(C), THE
11 APPLICANT SHALL NOT BE APPROVED FOR SERVICE.

12 (C) GROUNDS FOR DENIAL.--EACH [APPLICANT] PROSPECTIVE
13 VOLUNTEER SHALL BE SUBJECT TO THE REQUIREMENTS OF SECTION
14 6344(C).

15 (D) DEPARTMENTAL TREATMENT OF INFORMATION.--INFORMATION
16 PROVIDED AND COMPILED UNDER THIS SECTION BY THE DEPARTMENT SHALL
17 BE CONFIDENTIAL AND SHALL NOT BE SUBJECT TO THE ACT OF [JUNE 21,
18 1957 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-KNOW LAW]
19 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.
20 THIS INFORMATION SHALL NOT BE RELEASED EXCEPT AS PERMITTED BY
21 THE DEPARTMENT THROUGH REGULATION. THE DEPARTMENT MAY CHARGE A
22 FEE TO CONDUCT A CERTIFICATION AS REQUIRED BY SECTION 6344(B)(2)
23 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6344(H). THE
24 DEPARTMENT SHALL PROMULGATE REGULATIONS NECESSARY TO CARRY OUT
25 THIS SUBSECTION.

26 (E) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
27 CONSTRUED TO PROHIBIT AN ORGANIZATION FROM REQUIRING ADDITIONAL
28 INFORMATION AS PART OF THE CLEARANCE PROCESS FOR VOLUNTEERS WHO
29 ARE RESPONSIBLE FOR THE WELFARE OF A CHILD OR HAVE DIRECT
30 CONTACT WITH CHILDREN.

1 (F) PROVISIONAL CLEARANCES FOR VOLUNTEERS.--EMPLOYERS,
2 ADMINISTRATORS, SUPERVISORS OR OTHER PERSONS RESPONSIBLE FOR
3 SELECTION OF VOLUNTEERS MAY ALLOW A VOLUNTEER TO SERVE ON A
4 PROVISIONAL BASIS FOR A SINGLE PERIOD NOT TO EXCEED 30 DAYS IF
5 THE VOLUNTEER IS IN COMPLIANCE WITH THE CLEARANCE STANDARDS
6 UNDER THE LAW OF THE JURISDICTION WHERE THE VOLUNTEER IS
7 DOMICILED.

8 SECTION 11. TITLE 23 IS AMENDED BY ADDING SECTIONS TO READ:
9 § 6344.3. Continued employment or participation in program,
10 activity or service.

11 (A) (RESERVED).

12 (B) (RESERVED).

13 (C) (RESERVED).

14 (D) (RESERVED).

15 (E) NONINTERFERENCE WITH DECISIONS.--NOTHING IN THIS CHAPTER
16 SHALL BE CONSTRUED TO OTHERWISE INTERFERE WITH THE ABILITY OF AN
17 EMPLOYER OR PROGRAM, ACTIVITY OR SERVICE TO MAKE EMPLOYMENT,
18 DISCIPLINE OR TERMINATION DECISIONS OR ESTABLISHING ADDITIONAL
19 CLEARANCE STANDARDS.

20 (F) TRANSFER.--

21 (1) ANY PERSON WHO HAS OBTAINED THE INFORMATION REQUIRED
22 UNDER THIS CHAPTER MAY TRANSFER OR PROVIDE SERVICES TO
23 ANOTHER SUBSIDIARY OR BRANCH ESTABLISHED AND SUPERVISED BY
24 THE SAME ORGANIZATION, OR SERVE IN A VOLUNTEER CAPACITY FOR
25 ANY PROGRAM, SERVICE OR ACTIVITY, DURING THE LENGTH OF TIME
26 THE PERSON'S CERTIFICATION IS CURRENT PURSUANT TO SECTION
27 6344.4 (RELATING TO CERTIFICATION COMPLIANCE).

28 (2) ANY EMPLOYEE WHO BEGINS EMPLOYMENT WITH A NEW
29 AGENCY, INSTITUTION, ORGANIZATION OR OTHER ENTITY THAT IS
30 RESPONSIBLE FOR THE CARE, SUPERVISION, GUIDANCE OR CONTROL OF

1 CHILDREN SHALL BE REQUIRED TO OBTAIN A NEW CERTIFICATION OF
2 COMPLIANCE AS REQUIRED BY THIS CHAPTER.

3 (G) WRITTEN NOTICE OF NEW ARREST, CONVICTION OR
4 SUBSTANTIATED CHILD ABUSE.--

5 (1) IF AN EMPLOYEE OR VOLUNTEER SUBJECT TO SECTION 6344
6 (RELATING TO EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE
7 AND FOSTER PARENTS) OR 6344.2 (RELATING TO VOLUNTEERS HAVING
8 CONTACT WITH CHILDREN) IS ARRESTED FOR OR CONVICTED OF AN
9 OFFENSE THAT WOULD CONSTITUTE GROUNDS FOR DENYING EMPLOYMENT
10 OR PARTICIPATION IN A PROGRAM, ACTIVITY OR SERVICE UNDER THIS
11 CHAPTER, OR IS NAMED AS PERPETRATOR IN A FOUNDED OR INDICATED
12 REPORT, THE EMPLOYEE OR VOLUNTEER SHALL PROVIDE THE
13 ADMINISTRATOR OR DESIGNEE WITH WRITTEN NOTICE NOT LATER THAN
14 72 HOURS AFTER THE ARREST, CONVICTION OR NOTIFICATION THAT
15 THE PERSON HAS BEEN LISTED AS A PERPETRATOR IN THE STATEWIDE
16 DATABASE.

17 (2) IF THE PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS
18 OR THE ADMINISTRATOR OF A PROGRAM, ACTIVITY OR SERVICE HAS A
19 REASONABLE BELIEF THAT AN EMPLOYEE OR VOLUNTEER WAS ARRESTED
20 OR CONVICTED FOR AN OFFENSE THAT WOULD CONSTITUTE GROUNDS FOR
21 DENYING EMPLOYMENT OR PARTICIPATION IN A PROGRAM, ACTIVITY OR
22 SERVICE UNDER THIS CHAPTER, OR WAS NAMED AS PERPETRATOR IN A
23 FOUNDED OR INDICATED REPORT, OR THE EMPLOYEE OR VOLUNTEER HAS
24 PROVIDED NOTICE AS REQUIRED UNDER THIS SECTION, THE PERSON
25 RESPONSIBLE FOR EMPLOYMENT DECISIONS OR ADMINISTRATOR OF A
26 PROGRAM, ACTIVITY OR SERVICE SHALL IMMEDIATELY REQUIRE THE
27 EMPLOYEE OR VOLUNTEER TO SUBMIT CURRENT INFORMATION AS
28 REQUIRED UNDER SUBSECTION 6344(B). THE COST OF THE
29 INFORMATION SET FORTH IN SUBSECTION 6344(B) SHALL BE BORNE BY
30 THE EMPLOYING ENTITY OR PROGRAM, ACTIVITY OR SERVICE.

1 (H) EFFECT OF NONCOMPLIANCE.--AN EMPLOYEE OR VOLUNTEER WHO
2 WILLFULLY FAILS TO DISCLOSE INFORMATION REQUIRED BY SUBSECTION
3 (G) (1) COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL BE
4 SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION OR DENIAL
5 OF EMPLOYMENT OR VOLUNTEER POSITION.

6 § 6344.4. CERTIFICATION COMPLIANCE.

7 NEW CERTIFICATIONS SHALL BE OBTAINED IN ACCORDANCE WITH THE
8 FOLLOWING:

9 (1) EFFECTIVE DECEMBER 31, 2014:

10 (I) A PERSON IDENTIFIED IN SECTION 6344 (RELATING TO
11 EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE AND
12 FOSTER PARENTS) SHALL BE REQUIRED TO OBTAIN THE
13 CERTIFICATIONS REQUIRED BY THIS CHAPTER EVERY 36 MONTHS.

14 (II) SCHOOL EMPLOYEES IDENTIFIED IN SECTION
15 6344 (A.1) (1) SHALL BE REQUIRED TO OBTAIN REPORTS UNDER
16 SECTION 111 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14),
17 KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, EVERY 36 MONTHS.

18 (III) ANY PERSON IDENTIFIED IN SECTION 6344 WITH A
19 CURRENT CERTIFICATION ISSUED PRIOR TO THE EFFECTIVE DATE
20 OF THIS SECTION SHALL BE REQUIRED TO OBTAIN THE
21 CERTIFICATIONS REQUIRED BY THIS CHAPTER WITHIN 36 MONTHS
22 FROM THE DATE OF THEIR MOST RECENT CERTIFICATION, OR, IF
23 THE CURRENT CERTIFICATION IS OLDER THAN 36 MONTHS, WITHIN
24 ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION.

25 (2) EFFECTIVE JULY 1, 2015, A PERSON IDENTIFIED IN
26 SECTION 6344.2 (RELATING TO VOLUNTEERS HAVING CONTACT WITH
27 CHILDREN) SHALL BE REQUIRED TO OBTAIN THE CERTIFICATIONS
28 REQUIRED BY THIS CHAPTER EVERY 36 MONTHS.

29 SECTION 12. SECTION 6349(C) OF TITLE 23 IS AMENDED TO READ:
30 § 6349. PENALTIES.

1 * * *

2 (C) NONCOMPLIANCE WITH CHILD-CARE PERSONNEL REGULATIONS.--AN
3 ADMINISTRATOR, OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT
4 DECISIONS IN A CHILD-CARE FACILITY OR PROGRAM, WHO WILLFULLY
5 FAILS TO COMPLY WITH THE PROVISIONS OF SECTION 6344 (RELATING TO
6 [INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL]
7 EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE AND FOSTER
8 PARENTS) COMMITS A VIOLATION OF THIS CHAPTER AND SHALL BE
9 SUBJECT TO A CIVIL PENALTY AS PROVIDED IN THIS SUBSECTION. THE
10 DEPARTMENT SHALL HAVE JURISDICTION TO DETERMINE VIOLATIONS OF
11 SECTION 6344 AND MAY, FOLLOWING A HEARING, ASSESS A CIVIL
12 PENALTY NOT TO EXCEED \$2,500. THE CIVIL PENALTY SHALL BE PAYABLE
13 TO THE COMMONWEALTH.

14 SECTION 13. SECTION 6383(A.2) OF TITLE 23, ADDED APRIL 15,
15 2014 (P.L.417, NO.33), IS AMENDED TO READ:

16 § 6383. EDUCATION AND TRAINING.

17 * * *

18 (A.2) INFORMATION FOR MANDATED AND PERMISSIVE REPORTERS.--

19 * * *

20 (3) THE DEPARTMENT SHALL INCLUDE THE FOLLOWING WITH ALL
21 CERTIFICATIONS PROVIDED PURSUANT TO SECTION 6344(B)(2)
22 (RELATING TO [INFORMATION RELATING TO PROSPECTIVE CHILD-CARE
23 PERSONNEL] EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE
24 AND FOSTER PARENTS):

25 (I) INFORMATION THAT CERTAIN PERSONS ARE REQUIRED BY
26 LAW TO REPORT SUSPECTED CHILD ABUSE.

27 (II) THE INTERNET ADDRESS WHERE THE INFORMATION AND
28 GUIDANCE REQUIRED BY THIS SUBSECTION CAN BE OBTAINED.

29 (III) A TELEPHONE NUMBER AND MAILING ADDRESS WHERE
30 GUIDANCE MATERIALS CAN BE REQUESTED BY INDIVIDUALS WHO

1 CANNOT ACCESS THE DEPARTMENT'S INTERNET WEBSITE.

2 * * *

3 SECTION 14. SECTION 6351.1(A) OF TITLE 42 IS AMENDED TO
4 READ:

5 § 6351.1. AUTHORITY OF COURT UPON PETITION TO REMOVE CHILD FROM
6 FOSTER PARENT.

7 (A) ORDER REQUIRED.--NOTWITHSTANDING SECTIONS 6324 (RELATING
8 TO TAKING INTO CUSTODY) AND 6351(A) (RELATING TO DISPOSITION OF
9 DEPENDENT CHILD), IF A COUNTY AGENCY PETITIONS THE COURT FOR
10 REMOVAL OF A CHILD BECAUSE THE FOSTER PARENT HAS BEEN CONVICTED
11 OF AN OFFENSE SET FORTH IN 23 PA.C.S. § 6344(C) (RELATING TO
12 [INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL]
13 EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE AND FOSTER
14 PARENTS), THE COURT SHALL IMMEDIATELY ENTER AN ORDER REMOVING
15 THE CHILD FROM THE FOSTER PARENT.

16 * * *

17 SECTION 15. THE DEPARTMENT OF HUMAN SERVICES, IN CONJUNCTION
18 WITH THE DEPARTMENT OF EDUCATION AND THE PENNSYLVANIA COMMISSION
19 ON CRIME AND DELINQUENCY, SHALL CONDUCT A STUDY TO ANALYZE AND
20 MAKE RECOMMENDATIONS ON EMPLOYMENT BANS FOR THOSE HAVING CONTACT
21 WITH CHILDREN IN THIS COMMONWEALTH. THE FOLLOWING APPLY:

22 (1) THE STUDY SHALL INCLUDE RECOMMENDATIONS ON ALL OF
23 THE FOLLOWING:

24 (I) CHANGES IN PERMANENT AND TEMPORARY EMPLOYMENT
25 BANS, WHICH REALIGN AND MAKE UNIFORM THE PROVISIONS OF
26 SECTION 111 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14),
27 KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AND 23 PA.C.S.
28 CH. 63 WITH REGARD TO EMPLOYMENT BANS, INCLUDING THE
29 OFFENSES RELATING TO THE WELFARE OF A CHILD TO BE
30 INCLUDED IN ANY BAN.

1 (II) AN APPEALS PROCESS.

2 (2) THE DEPARTMENT OF HUMAN SERVICES SHALL, BY DECEMBER
3 31, 2015, REPORT THE STUDY'S FINDINGS AND RECOMMENDATIONS TO:

4 (I) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE AGING
5 AND YOUTH COMMITTEE OF THE SENATE.

6 (II) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
7 PUBLIC HEALTH AND WELFARE COMMITTEE OF THE SENATE.

8 (III) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
9 CHILDREN AND YOUTH COMMITTEE OF THE HOUSE OF
10 REPRESENTATIVES.

11 (IV) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
12 HEALTH COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

13 SECTION 16. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

14 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
15 IMMEDIATELY:

16 (I) SECTION 15 OF THIS ACT.

17 (II) THIS SECTION.

18 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT DECEMBER
19 31, 2014.