
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1276 Session of
2015

INTRODUCED BY WATSON, MOUL, HARHART, PICKETT, PETRI, BAKER,
BISHOP, R. BROWN, BROWNLEE, CAUSER, DEAN, DIGIROLAMO, FARRY,
FEE, GIBBONS, GODSHALL, A. HARRIS, PHILLIPS-HILL, IRVIN,
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MILLARD, MURT, O'NEILL, QUINN, ROZZI, SAYLOR, STAATS, TOPPER,
TRUITT, ROSS, COHEN, CONKLIN, GABLER, RADER, KORTZ, BRIGGS,
SCHLOSSBERG, GILLEN, JOZWIAK, BARBIN AND DAVIS, JUNE 2, 2015

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 29, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, for persons required to report
4 suspected child abuse, for access to information in Statewide
5 database, for release of information in confidential reports,
6 for employees having contact with children and adoptive and
7 foster parents, for information relating to certified or
8 registered day-care home residents, for volunteers having
9 contact with children, for continued employment or
10 participation in program, activity or service, for
11 certification compliance, for education and training and for
12 mandatory reporting of children under one year of age.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definitions of "child-care services,"
16 "independent contractor," "perpetrator," "person responsible for
17 the child's welfare," "program, activity or service," "school"
18 and "school employee" in section 6303(a) of Title 23 of the
19 Pennsylvania Consolidated Statutes, ~~amended October 22, 2014~~ <--

1 ~~(P.L.2529, No.153)~~, are amended and the section is amended by
2 adding definitions to read:

3 § 6303. Definitions.

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

7 * * *

8 "ADULT FAMILY MEMBER." A PERSON 18 YEARS OF AGE OR OLDER WHO <--
9 HAS THE RESPONSIBILITY TO PROVIDE CARE OR SERVICES TO AN
10 INDIVIDUAL WITH AN INTELLECTUAL DISABILITY OR CHRONIC
11 PSYCHIATRIC DISABILITY.

12 * * *

13 "Child-care services." Includes any of the following:

- 14 (1) Child day-care centers.
- 15 (2) Group day-care homes.
- 16 (3) Family [day-care] child-care homes.
- 17 (4) Foster homes.
- 18 (5) Adoptive parents.
- 19 (6) Boarding homes for children.
- 20 (7) Juvenile detention center services or programs for
21 delinquent or dependent children.
- 22 (8) Mental health services for children.
- 23 (9) Services for children with intellectual
24 disabilities.
- 25 (10) Early intervention services for children.
- 26 (11) Drug and alcohol services for children.
- 27 (12) Day-care services or programs that are offered by a
28 school.
- 29 (13) Other child-care services that are provided by or
30 subject to approval, licensure, registration or certification

1 by the department or a county social services agency or that
2 are provided pursuant to a contract with the department or a
3 county social services agency.

4 The term does not apply to services provided by administrative
5 or other support personnel unless the administrative or other
6 support personnel has direct contact with children.

7 * * *

8 "DIRECT VOLUNTEER CONTACT." THE CARE, SUPERVISION, GUIDANCE <--
9 OR CONTROL OF CHILDREN AND ROUTINE INTERACTION WITH CHILDREN.

10 * * * <--

11 "EDUCATION ENTERPRISE." AN EDUCATIONAL ACTIVITY IN THIS <--
12 COMMONWEALTH:

13 (1) FOR WHICH COLLEGE CREDITS OR CONTINUING EDUCATION
14 UNITS ARE AWARDED, CONTINUING PROFESSIONAL EDUCATION IS
15 OFFERED OR TUITION OR FEES ARE CHARGED OR COLLECTED; AND

16 (2) THAT IS SPONSORED BY A CORPORATION, ENTITY OR
17 INSTITUTION THAT IS INCORPORATED OR AUTHORIZED BY OTHER MEANS
18 IN A STATE OTHER THAN THIS COMMONWEALTH AND IS APPROVED AND
19 AUTHORIZED TO OPERATE IN THIS COMMONWEALTH UNDER 15 PA.C.S.
20 PT. II SUBPT. B (RELATING TO BUSINESS CORPORATIONS) OR C
21 (RELATING TO NONPROFIT CORPORATIONS) AND 24 PA.C.S. CH. 65
22 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES AND SEMINARIES).

23 * * *

24 "FAMILY CHILD-CARE HOME." A RESIDENCE WHERE CHILD DAY CARE
25 IS PROVIDED AT ANY TIME TO NO LESS THAN FOUR CHILDREN AND NO
26 MORE THAN SIX CHILDREN WHO ARE NOT RELATIVES OF THE CAREGIVER.

27 * * *

28 "IMMEDIATE VICINITY." AN AREA IN WHICH AN INDIVIDUAL IS
29 PHYSICALLY PRESENT WITH A CHILD AND CAN SEE, HEAR, DIRECT AND
30 ASSESS THE ACTIVITIES OF THE CHILD.

1 "Independent contractor." An individual who provides a
2 program, activity or service to an agency, institution,
3 organization or other entity, including a school or regularly
4 established religious organization, that is responsible for the
5 care, supervision, guidance or control of children. The term
6 does not [include an individual who has no] apply to
7 administrative or other support personnel unless the
8 administrative or other support personnel has direct contact
9 with children.

10 * * *

11 "Institution of higher education." Any of the following:

12 (1) A community college which is an institution now or
13 hereafter created pursuant to Article XIX-A of the act of
14 March 10, 1949 (P.L.30, No.14), known as the Public School
15 Code of 1949, or the act of August 24, 1963 (P.L.1132,
16 No.484), known as the Community College Act of 1963.

17 (2) An independent institution of higher education which
18 is an institution of higher education, ~~operated not for~~ <--
19 ~~profit,~~ located in and incorporated or chartered by the
20 Commonwealth, entitled to confer degrees as set forth in 24
21 Pa.C.S. § 6505 (relating to power to confer degrees) and
22 entitled to apply to itself the designation "college" or <--
23 "COLLEGE," "university" OR "SEMINARY" as provided for by <--
24 standards and qualifications prescribed by the State Board of
25 Education under 24 Pa.C.S. Ch. 65 ~~(relating to private~~ <--
26 colleges, universities and seminaries).

27 (3) A State-owned university INSTITUTION. <--

28 (4) A State-related university INSTITUTION. <--

29 (5) AN EDUCATION ENTERPRISE. <--

30 * * *

1 "MATRICULATED STUDENT." A STUDENT WHO IS ENROLLED IN AN <--
2 INSTITUTION OF HIGHER EDUCATION AND PURSUING A PROGRAM OF STUDY
3 THAT RESULTS IN A POSTSECONDARY CREDENTIAL, SUCH AS A
4 CERTIFICATE, DIPLOMA OR DEGREE.

5 * * *

6 "Perpetrator." A person who has committed child abuse as
7 defined in this section. The following shall apply:

8 (1) The term includes only the following:

9 (i) A parent of the child.

10 (ii) A spouse or former spouse of the child's
11 parent.

12 (iii) A paramour or former paramour of the child's
13 parent.

14 (iv) A person 14 years of age or older and
15 responsible for the child's welfare or having direct
16 contact with children AS AN EMPLOYEE OF CHILD-CARE <--
17 SERVICES, A SCHOOL OR through a program, activity or
18 service.

19 (v) An individual 14 years of age or older who
20 resides in the same home as the child.

21 (vi) An individual 18 years of age or older who does
22 not reside in the same home as the child but is related
23 within the third degree of consanguinity or affinity by
24 birth or adoption to the child.

25 (2) Only the following may be considered a perpetrator
26 for failing to act, as provided in this section:

27 (i) A parent of the child.

28 (ii) A spouse or former spouse of the child's
29 parent.

30 (iii) A paramour or former paramour of the child's

1 parent.

2 (iv) A person 18 years of age or older and
3 responsible for the child's welfare.

4 (v) A person 18 years of age or older who resides in
5 the same home as the child.

6 * * *

7 "Person responsible for the child's welfare." A person who
8 provides permanent or temporary care, supervision, mental health
9 diagnosis or treatment, training or control of a child in lieu
10 of parental care, supervision and control. [The term includes
11 any such person who has direct or regular contact with a child
12 through any program, activity or service sponsored by a school,
13 for-profit organization or religious or other not-for-profit
14 organization.]

15 * * *

16 "Program, activity or service." [A public or private
17 educational, athletic or other pursuit in which children
18 participate. The term includes, but is not limited to, the
19 following:] Any of the following in which children participate
20 and which is sponsored by a school or a public or private
21 organization:

- 22 (1) A youth camp or program.
23 (2) A recreational camp or program.
24 (3) A sports or athletic program.
25 (4) [An] A community or social outreach program.
26 (5) An enrichment or educational program.
27 (6) A troop, club or similar organization.

28 * * *

29 "Routine interaction." Regular and repeated contact that is
30 integral to a person's employment or volunteer responsibilities.

1 * * *

2 "School." A facility providing elementary, secondary or
3 postsecondary educational services. The term includes the
4 following:

5 (1) Any school of a school district.

6 (2) An area vocational-technical school.

7 (3) A joint school.

8 (4) An intermediate unit.

9 (5) A charter school or regional charter school.

10 (6) A cyber charter school.

11 (7) A private school licensed under the act of January
12 28, 1988 (P.L.24, No.11), known as the Private Academic
13 Schools Act.

14 (8) A private school accredited by an accrediting
15 association approved by the State Board of Education.

16 (9) A nonpublic school.

17 (10) [A community college which is an institution now or
18 hereafter created pursuant to Article XIX-A of the act of
19 March 10, 1949 (P.L.30, No.14), known as the Public School
20 Code of 1949, or the act of August 24, 1963 (P.L.1132,
21 No.484), known as the Community College Act of 1963.

22 (11) An independent institution of higher education
23 which is an institution of higher education which is operated
24 not for profit, located in and incorporated or chartered by
25 the Commonwealth, entitled to confer degrees as set forth in
26 24 Pa.C.S. § 6505 (relating to power to confer degrees) and
27 entitled to apply to itself the designation "college" or
28 "university" as provided for by standards and qualifications
29 prescribed by the State Board of Education pursuant to 24
30 Pa.C.S. Ch. 65 (relating to private colleges, universities

1 and seminars).

2 (12) A State-owned university.

3 (13) A State-related university.] An institution of
4 higher education.

5 (14) A private school licensed under the act of December
6 15, 1986 (P.L.1585, No.174), known as the Private Licensed
7 Schools Act.

8 (15) The Hiram G. Andrews Center.

9 (16) A private residential rehabilitative institution as
10 defined in section 914.1-A(c) of the Public School Code of
11 1949.

12 "School employee." An individual who is employed by a school
13 or who provides a program, activity or service sponsored by a
14 school. The term [excludes an individual who has no] does not
15 apply to administrative or other support personnel unless the
16 administrative or other support personnel has direct contact
17 with children.

18 * * *

19 Section 2. Section 6311(a)(7) and (12) of Title 23 are
20 amended and the subsection is amended by adding a paragraph to
21 read:

22 § 6311. Persons required to report suspected child abuse.

23 (a) Mandated reporters.--The following adults shall make a
24 report of suspected child abuse, subject to subsection (b), if
25 the person has reasonable cause to suspect that a child is a
26 victim of child abuse:

27 * * *

28 (7) An individual paid or unpaid, who, on the basis of
29 the individual's role as an integral part of a regularly
30 scheduled program, activity or service, [accepts

1 responsibility for a child] is a person responsible for the
2 child's welfare or has direct contact with children.

3 * * *

4 (12) An individual supervised or managed by a person
5 listed under paragraphs (1), (2), (3), (4), (5), (6), (7),
6 (8), (9), (10) [and], (11) and (13), who has direct contact
7 with children in the course of employment.

8 * * *

9 (16) An adult ~~household~~ FAMILY member who is a person <--
10 responsible for the child's welfare and provides services to
11 a child in a family living home, community home for
12 individuals with an intellectual disability or host home for
13 children which are subject to SUPERVISION OR licensure by the <--
14 department under Articles IX and X of the act of June 13,
15 1967 (P.L.31, No.21), known as the Public Welfare Code.

16 Section 3. Section 6335(e) of Title 23, ~~amended October 22,~~ <--
17 ~~2014 (P.L.2529, No.153),~~ is amended to read:

18 § 6335. Access to information in Statewide database.

19 * * *

20 (e) [Clearances] Certifications.--Information provided in
21 response to inquiries under section 6344 (relating to employees
22 having contact with children; adoptive and foster parents),
23 6344.1 (relating to information relating to certified or
24 [registered day-care] licensed child-care home residents) or
25 6344.2 (relating to volunteers having contact with children)
26 shall not include unfounded reports of child abuse or reports
27 related to general protective services and shall be limited to
28 the following:

29 (1) Whether the person was named as a perpetrator of
30 child abuse in a founded or indicated report.

1 (2) Whether there is an investigation pending in which
2 the individual is an alleged perpetrator.

3 (3) The number, date of the incidents upon which the
4 report is based and the type of abuse or neglect involved in
5 any reports identified under paragraph (1).

6 * * *

7 Section 4. Section 6340(a) of Title 23 is amended by adding
8 a paragraph to read:

9 § 6340. Release of information in confidential reports.

10 (a) General rule.--Reports specified in section 6339
11 (relating to confidentiality of reports) shall only be made
12 available to:

13 * * *

14 (18) The Department of the Auditor General in
15 conjunction with the performances of the duties designated to
16 the Office of Auditor General, except that the Auditor
17 General may have access to only the reports in the possession
18 of the entity being audited and may not remove identifiable
19 reports or copies thereof from the department or county
20 agency.

21 * * *

22 Section 5. Section 6344(a), (a.1), (b), (b.1), (b.2), (d)
23 (4.1), (5), (6) and (8) and (e) of Title 23, ~~amended October 22,~~
24 ~~2014 (P.L.2529, No.153),~~ are amended and the section is amended
25 by adding subsections to read:

26 § 6344. Employees having contact with children; adoptive and
27 foster parents.

28 (a) Applicability.--Beginning December 31, 2014, this
29 section applies to the following individuals:

30 (1) An employee of child-care services.

- 1 (2) A foster parent.
- 2 (3) A prospective adoptive parent.
- 3 (4) A self-employed family ~~[day care] CHILD CARE~~ <--
4 ~~provider~~ PROVIDER OF CHILD-CARE SERVICES IN A FAMILY [DAY- <--
5 CARE PROVIDER] CHILD-CARE HOME.
- 6 (5) [An] (i) Except as provided under subparagraph
7 (ii), an individual 14 years of age or older who is
8 applying for or holding a paid position as an employee
9 with a program, activity or service, as a person AND IS <--
10 WITH A PROGRAM, ACTIVITY OR SERVICE, AS A PERSON <--
11 responsible for the [welfare of a child] child's welfare
12 or having direct contact with children THROUGH A PROGRAM, <--
13 ACTIVITY OR SERVICE.
- 14 (ii) An IF THE PROGRAM, ACTIVITY OR SERVICE IS AN <--
15 INTERNSHIP, EXTERNSHIP, WORK-STUDY, CO-OP OR SIMILAR
16 PROGRAM, AN adult applying for or holding a paid position
17 with an employer that participates in an THE internship, <--
18 externship, work-study, co-op or similar program with a
19 school and is identified by the employer WHOM THE <--
20 EMPLOYER AND THE SCHOOL IDENTIFY as the child's
21 supervisor and the person responsible for the child's
22 welfare while the child participates in the program with
23 the employer. This subparagraph does not apply to other <--
24 employees of that employer who have not been identified
25 as the person responsible for the child's welfare. THE <--
26 ADULT IDENTIFIED UNDER THIS SUBPARAGRAPH AS THE PERSON
27 RESPONSIBLE FOR THE CHILD'S WELFARE IS REQUIRED TO BE IN
28 THE IMMEDIATE VICINITY AT REGULAR INTERVALS WITH THE
29 CHILD DURING THE PROGRAM.
- 30 (6) Any individual seeking to provide child-care

1 services under contract with a child-care facility or
2 program.

3 (7) An individual 18 years of age or older who resides
4 in the home of a foster parent for at least 30 days in a
5 calendar year or who resides in the home of a prospective
6 adoptive parent for at least 30 days in a calendar year.

7 (8) An individual 18 years of age or older who resides
8 for at least 30 days in a calendar year in the following
9 homes which are subject to SUPERVISION OR licensure by the <--
10 department under Articles IX and X of the act of June 13,
11 1967 (P.L.31, No.21), known as the Public Welfare Code:

12 (i) A family living home.

13 (ii) A community home for individuals with an
14 intellectual disability.

15 (iii) A host home for children.

16 This paragraph does not include an individual with an
17 intellectual disability or chronic psychiatric disability
18 receiving services in a home.

19 (a.1) School employees.--This section shall apply to school
20 employees as follows:

21 (1) School employees governed by the provisions of the
22 act of March 10, 1949 (P.L.30, No.14), known as the Public
23 School Code of 1949, shall be subject to the provisions of
24 section 111 of the Public School Code of 1949, except that
25 this section shall apply with regard to the [information]
26 certification required under subsection (b) (2) and the <--
27 grounds for denying employment under subsection (c) (1).

28 (2) (i) School employees not governed by the provisions
29 of the Public School Code of 1949 shall be governed by
30 this section.

1 (ii) This paragraph shall not apply to an employee
2 of an institution of higher education whose direct
3 contact with children, in the course of employment, is
4 limited to children 16 years of age or older who are <--
5 either:

6 (A) prospective students visiting a campus
7 operated by the institution of higher education; or

8 (B) MATRICULATED students who are enrolled with <--
9 the institution. and attend classes at a campus or <--
10 facility operated by the institution of higher
11 education. THIS SECTION SHALL NOT APPLY TO STUDENTS <--
12 WHO HAVE NOT RECEIVED A HIGH SCHOOL DIPLOMA OR ITS
13 EQUIVALENT.

14 (III) SUBPARAGRAPH (II) (A) AND (B) THE EXEMPTION <--
15 UNDER SUBPARAGRAPH (II) (B) SHALL NOT APPLY TO STUDENTS
16 WHO ARE ENROLLED IN A SECONDARY SCHOOL.

17 (a.2) Minors.--An individual between 14 and 17 years of age
18 who applies for or holds a paid position as an employee who is a
19 person responsible for the child's welfare or a person with
20 direct contact with children through a program, activity or
21 service prior to the commencement of employment or under section
22 6344.4 (relating to recertification) shall be required to submit
23 only the information under subsection (b) (1) and (2) to an
24 employer, administrator, supervisor or other person responsible
25 for employment decisions, if the following apply:

26 (1) The individual has been a resident of this
27 Commonwealth during the entirety of the previous 10-year
28 period or, if not a resident of this Commonwealth during the
29 entirety of the previous 10-year period, has received
30 certification under subsection (b) (3) at any time since

1 establishing residency in this Commonwealth and provides a
2 copy of the certification to the employer.

3 (2) The individual and the individual's parent or legal
4 guardian swears or affirms in writing that the individual is
5 not disqualified from service under subsection (c) or has not
6 been convicted of an offense similar in nature to those
7 crimes listed in subsection (c) under the laws or former laws
8 of the United States or one of its territories or
9 possessions, another state, the District of Columbia, the
10 Commonwealth of Puerto Rico or a foreign nation, or under a
11 former law of this Commonwealth.

12 ~~(a.3) Internships and similar programs with schools. An~~ <--
13 ~~adult applying for or holding a paid position with an employer~~
14 ~~that participates in an internship, externship, work study, co~~
15 ~~op or similar program with a school shall not be required to~~
16 ~~submit information under subsection (b) if the child~~
17 ~~participating in the program is at least 16 years of age.~~

18 ~~(a.4) (A.3) Exchange visitor.--An individual in possession~~ <--
19 ~~of a nonimmigrant visa issued pursuant to 8 U.S.C. § 1101(a) (15)~~
20 ~~(J) (relating to definitions) to an exchange visitor, commonly~~
21 ~~referred to as a "J-1" Visa, shall not be required to submit~~
22 ~~information under subsection (b) if all of the following apply:~~

23 ~~(1) The individual is applying for or holds a paid~~
24 ~~position with a program, activity or service for a period not~~
25 ~~to exceed a total of 90 days in a calendar year.~~

26 ~~(2) THE INDIVIDUAL HAS NOT BEEN EMPLOYED PREVIOUSLY IN~~ <--
27 ~~THIS COMMONWEALTH OR ANOTHER STATE, THE DISTRICT OF COLUMBIA~~
28 ~~OR THE COMMONWEALTH OF PUERTO RICO.~~

29 ~~(2) (3) The individual swears or affirms in writing that~~ <--
30 ~~the individual is not disqualified from service under~~

1 subsection (c) or has not been convicted of an offense
2 similar in nature to the crimes listed under subsection (c)
3 under the laws or former laws of the United States or one of
4 its territories or possessions, another state, the District
5 of Columbia, the Commonwealth of Puerto Rico or a foreign
6 nation, or under a former law of this Commonwealth.

7 (b) Information to be submitted.--An individual identified
8 in subsection (a) (7) OR (8) at the time the individual meets the <--
9 description set forth in subsection (a) (7) OR (8) and an <--
10 individual identified in subsection (a) (1), (2), (3), (4), (5)
11 or (6) [or], (a.1) or (a.2) prior to the commencement of
12 employment or service or in accordance with section 6344.4 shall
13 be required to submit the following information to an employer,
14 administrator, supervisor or other person responsible for
15 employment decisions or involved in the selection of volunteers:

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
19 statement from the Pennsylvania State Police that the State
20 Police central repository contains no such information
21 relating to that person. The criminal history record
22 information shall be limited to that which is disseminated
23 pursuant to 18 Pa.C.S. § 9121(b) (2) (relating to general
24 regulations).

25 (2) A certification from the department as to whether
26 the applicant is named in the Statewide database as the
27 alleged perpetrator in a pending child abuse investigation or
28 as the perpetrator of a founded report or an indicated
29 report.

30 (3) A report of Federal criminal history record

1 information. The applicant shall submit a full set of
2 fingerprints to the Pennsylvania State Police for the purpose
3 of a record check, and the Pennsylvania State Police or its
4 authorized agent shall submit the fingerprints to the Federal
5 Bureau of Investigation for the purpose of verifying the
6 identity of the applicant and obtaining a current record of
7 any criminal arrests and convictions.

8 (b.1) Required documentation to be maintained and
9 produced.--The employer, administrator, supervisor or other
10 person responsible for employment decisions or acceptance of the
11 individual to serve in any capacity identified in subsection (a)
12 (1), (2), (3), (4), (5) or (6) [or], (a.1) or (a.2) shall
13 maintain a copy of the required information and require the
14 individual to [produce] submit the [original document] required
15 documents prior to employment or acceptance to serve in any such
16 capacity or as required in section 6344.4, except as allowed
17 under subsection (m).

18 (b.2) Investigation.--An employer, administrator, supervisor
19 or other person responsible for employment decisions shall
20 require an applicant to submit the required documentation set
21 forth in this chapter or as required in section 6344.4. An
22 employer, administrator, supervisor or other person responsible
23 for employment decisions that intentionally fails to require an
24 applicant to submit the required documentation before the
25 applicant's hiring or upon recertification commits a misdemeanor
26 of the third degree.

27 (B.3) VOLUNTEER CERTIFICATION PROHIBITION.--AN EMPLOYER, <--
28 ADMINISTRATOR, SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR
29 EMPLOYMENT DECISIONS IS PROHIBITED FROM ACCEPTING A
30 CERTIFICATION THAT WAS OBTAINED FOR VOLUNTEERING PURPOSES UNDER

1 SECTION 6344.2 (RELATING TO VOLUNTEERS HAVING CONTACT WITH
2 CHILDREN).

3 * * *

4 (d) Prospective adoptive or foster parents.--With regard to
5 prospective adoptive or prospective foster parents, the
6 following shall apply:

7 * * *

8 (4.1) If a foster parent, prospective adoptive parent,
9 or an individual over 18 years of age residing in the home is
10 arrested for or convicted of an offense that would constitute
11 grounds for denying approval under this chapter or is named
12 as a perpetrator in a founded or indicated report, the foster
13 parent or prospective adoptive parent shall provide the
14 foster family care agency or the agency listed to provide
15 adoption services with written notice not later than 72 hours
16 after the arrest, conviction or notification that the [foster
17 parent] individual was named as a perpetrator in the
18 Statewide database.

19 (5) Foster parents and prospective adoptive parents
20 shall be required to report any other change in the [foster]
21 family household composition within 30 days of the change for
22 review by the foster family care agency or the agency listed
23 to provide adoption services. If any individual over 18 years
24 of age, who has resided outside this Commonwealth at any time
25 within the previous five-year period, begins residing in the
26 home of an approved foster family or a prospective adoptive
27 family, that individual shall, within 30 days of beginning
28 residence, submit to the foster family care agency or the
29 agency listed to provide adoption services a certification
30 obtained from the Statewide database, or its equivalent in

1 each state in which the person has resided within the
2 previous five-year period, as to whether the person is named
3 as a perpetrator. If the certification shows that the person
4 is named as a perpetrator within the previous five-year
5 period, the foster family care agency or the agency listed to
6 provide adoption services shall forward the certification to
7 the department for review. If the department determines that
8 the person is named as the equivalent of a perpetrator of a
9 founded report within the previous five-year period and the
10 person does not cease residing in the home immediately, the
11 county agency shall immediately seek court authorization to
12 remove the foster child or children from the home. In
13 emergency situations when a judge cannot be reached, the
14 county agency shall proceed in accordance with the
15 Pennsylvania Rules of Juvenile Court Procedure.

16 (6) In cases where foster parents knowingly fail to
17 submit the material information required in paragraphs (4.1)
18 and (5) and section 6344.4 [(relating to certification
19 compliance)] such that it would disqualify them as foster
20 parents, the county agency shall immediately seek court
21 authorization to remove the foster child or children from the
22 home. In emergency situations when a judge cannot be reached,
23 the county agency shall proceed in accordance with the
24 Pennsylvania Rules of Juvenile Court Procedure.

25 * * *

26 (8) The department shall require information based upon
27 certain criteria for foster and adoptive parent applications.
28 The criteria shall include, but not be limited to,
29 information provided by the applicant or other sources in the
30 following areas:

1 (i) Previous addresses within the last [ten] 10
2 years.

3 (ii) Criminal history background [clearance]
4 certification generated by the process outlined in this
5 section.

6 (iii) Child abuse [clearance] certification
7 generated by the process outlined in this section.

8 (iv) Composition of the resident family unit.

9 (v) Protection from abuse orders filed by or against
10 either parent, provided that such orders are accessible
11 to the county or private agency.

12 (vi) Details of any proceedings brought in family
13 court, provided that such records in such proceedings are
14 accessible to the county or private agency.

15 (vii) Drug-related or alcohol-related arrests, if
16 criminal charges or judicial proceedings are pending, and
17 any convictions or hospitalizations within the last five
18 years. If the applicant provides information regarding
19 convictions or hospitalizations in that five-year period,
20 then information on the prior five years shall be
21 requested related to any additional convictions or
22 hospitalizations.

23 (viii) Evidence of financial stability, including
24 income verification, employment history, current liens
25 and bankruptcy findings within the last [ten] 10 years.

26 (ix) Number of and ages of foster children and other
27 dependents currently placed in the home.

28 (x) Detailed information regarding children with
29 special needs currently living in the home.

30 (xi) Previous history as a foster parent, including

1 number and types of children served.

2 (xii) Related education, training or personal
3 experience working with foster children or the child
4 welfare system.

5 * * *

6 (d.3) Family living homes, community homes for individuals
7 with an intellectual disability and host homes.--

8 (1) The following shall apply to an individual over 18
9 years of age residing in a family living home, a community
10 home for individuals with an intellectual disability or a
11 host home ~~providing community residential rehabilitation~~ <--
12 services FOR CHILDREN, which are subject to SUPERVISION OR <--
13 licensure by the department under Articles IX and X of the
14 Public Welfare Code:

15 (i) If an individual is arrested for or convicted of
16 an offense that would constitute grounds for denying
17 approval under this chapter, or is named as a perpetrator
18 in a founded or indicated report, the individual shall
19 provide the agency with written notice not later than 72
20 hours after the arrest, conviction or notification that
21 the individual was named as a perpetrator in the
22 Statewide database.

23 (ii) The adult ~~household~~ FAMILY member who is <--
24 providing services to a child in the home shall be
25 required to report any other change in the household
26 composition within 30 days of the change for review by
27 the agency. If any individual over 18 years of age, who
28 has resided outside this Commonwealth at any time within
29 the previous five-year period, begins residing in the
30 home, that individual shall, within 30 days of beginning

1 residence, submit to the agency a certification obtained
2 from the Statewide database, or its equivalent in each
3 state in which the individual has resided within the
4 previous five-year period, as to whether the person is
5 named as a perpetrator. If the certification shows that
6 the person is named as a perpetrator within the previous
7 five-year period, the agency shall forward the
8 certification to the department for review.

9 (2) This subsection shall not apply to an individual
10 with an intellectual disability or chronic psychiatric
11 disability receiving services in a home.

12 (3) As used in this subsection, the term "agency" means
13 a family living home agency, community home agency for
14 individuals with an intellectual disability or a host home
15 agency.

16 (e) Self-employed family [day-care] child-care providers.--
17 Self-employed family [day-care] child-care providers who apply
18 for a [certificate of registration] license with the department
19 shall submit with their [registration] licensure application the
20 information set forth under subsection (b) for review in
21 accordance with this section.

22 * * *

23 Section 6. Section 6344.1 heading, (a) and (c) of Title 23
24 are amended to read:

25 § 6344.1. Information relating to certified or [registered day-
26 care] licensed child-care home residents.

27 (a) General rule.--In addition to the requirements of
28 section 6344 (relating to employees having contact with
29 children; adoptive and foster parents), an individual who
30 applies to the department for a certificate of compliance or a

1 [registration certificate] license to provide child day care in
2 a residence shall include criminal history record and child
3 abuse record information required under section 6344(b) for
4 every individual 18 years of age or older who resides in the
5 home for at least 30 days in a calendar year.

6 * * *

7 (c) Effect on certification or [registration] licensure.--
8 The department shall refuse to issue or renew a certificate of
9 compliance or [registration certificate] license or shall revoke
10 a certificate of compliance or [registration certificate]
11 license if the day-care home provider or individual 18 years of
12 age or older who has resided in the home for at least 30 days in
13 a calendar year:

14 (1) is named in the Statewide database as the
15 perpetrator of a founded report committed within the
16 immediately preceding five-year period; or

17 (2) has been convicted of an offense enumerated in
18 section 6344(c).

19 * * *

20 Section 7. Section 6344.2(a), (B), (b.1), (e) and (f) of <--
21 Title 23, ~~amended October 22, 2014 (P.L.2529, No.153),~~ are <--
22 amended and the section is amended by adding ~~a subsection~~ <--
23 SUBSECTIONS to read: <--

24 § 6344.2. Volunteers having contact with children.

25 (a) Applicability.--This section applies to an adult
26 applying for or holding an unpaid position as a volunteer ~~with a~~ <--
27 ~~child care service, a school or a program, activity or service,~~
28 WITH A CHILD-CARE SERVICE, A SCHOOL OR A PROGRAM, ACTIVITY OR <--
29 SERVICE, as a person responsible for the [welfare of a child]
30 child's welfare or having direct VOLUNTEER contact with children <--

1 ~~THROUGH A CHILD CARE SERVICE, A SCHOOL OR A PROGRAM, ACTIVITY OR~~ <--
2 ~~SERVICE.~~

3 * * * <--

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

15 (b.1) Exception.--

16 (1) A person responsible for the selection of volunteers
17 under this chapter shall require an applicable prospective
18 volunteer prior to the commencement of service to submit only
19 the information under section 6344(b)(1) and (2), if the
20 following apply:

21 (i) The position the prospective volunteer is
22 applying for is unpaid.

23 (ii) The prospective volunteer has been a resident
24 of this Commonwealth during the entirety of the previous
25 [ten-year period.] 10-year period or, if not a resident
26 of this Commonwealth during the entirety of the previous
27 10-year period, has received certification under section
28 6344(b)(3) at any time since establishing residency in
29 this Commonwealth and provides a copy of the
30 certification to the person responsible for the selection

1 of volunteers.

2 (iii) The prospective volunteer swears or affirms in
3 writing that the prospective volunteer is not
4 disqualified from service pursuant to section 6344(c) or
5 has not been convicted of an offense similar in nature to
6 those crimes listed in section 6344(c) under the laws or
7 former laws of the United States or one of its
8 territories or possessions, another state, the District
9 of Columbia, the Commonwealth of Puerto Rico or a foreign
10 nation, or under a former law of this Commonwealth.

11 (2) If the information obtained pursuant to section
12 6344(b) reveals that the prospective volunteer applicant is
13 disqualified from service pursuant to section 6344(c), the
14 applicant shall not be approved for service.

15 ~~(3) A volunteer who provides episodic, infrequent or <--~~
16 ~~intermittent services to a program, activity or service and~~
17 ~~who is within the immediate vicinity of at least one~~
18 ~~individual who is responsible for the child's welfare and has~~
19 ~~submitted the information under section 6344(b)(1) and (2)~~
20 ~~shall be exempt from this section. As used in this paragraph,~~
21 ~~the term "immediate vicinity" means an area subject to sight,~~
22 ~~hearing and direction and assessment of activity. IF ALL OF <--~~
23 ~~THE FOLLOWING APPLY, AN INDIVIDUAL SHALL NOT BE REQUIRED TO~~
24 ~~OBTAIN THE CERTIFICATIONS REQUIRED UNDER SUBSECTION (B):~~

25 ~~(I) THE STUDENT INDIVIDUAL IS CURRENTLY ENROLLED IN <--~~
26 ~~A SCHOOL.~~

27 ~~(II) THE STUDENT INDIVIDUAL IS NOT A PERSON <--~~
28 ~~RESPONSIBLE FOR THE CHILD'S WELFARE.~~

29 ~~(III) THE STUDENT INDIVIDUAL IS VOLUNTEERING FOR AN <--~~
30 ~~EVENT THAT OCCURS ON SCHOOL GROUNDS.~~

1 (IV) THE EVENT IS SPONSORED BY THE SCHOOL IN WHICH <--
2 THE INDIVIDUAL IS ENROLLED AS A STUDENT.

3 (V) THE EVENT IS NOT FOR CHILDREN WHO ARE IN THE
4 CARE OF A CHILD-CARE SERVICE.

5 * * *

6 [(e) Construction.--Nothing in this section shall be
7 construed to prohibit an organization from requiring additional
8 information as part of the clearance process for volunteers who
9 are responsible for the welfare of a child or have direct
10 contact with children.]

11 (f) [Provisional clearances for volunteers] Nonresident
12 volunteer certification.--Employers, administrators, supervisors
13 or other persons responsible for selection of volunteers may
14 allow a volunteer to serve on a provisional basis [for a single
15 period] not to exceed a total of 30 days in a calendar year if
16 the volunteer is in compliance with the clearance standards
17 under the law of the jurisdiction where the volunteer is
18 domiciled. The nonresident volunteer must provide the employer,
19 administrator, supervisor or other person responsible for
20 selection of volunteers with documentation of certifications.

21 (g) Waiver of fees for certain background checks <--
22 CERTIFICATIONS.--The fees for certifications ~~provided~~ REQUIRED <--
23 under section 6344(b)(1) and (2) which a volunteer is required
24 to complete SUBMIT under this section shall be waived and the <--
25 certifications shall be provided free of charge to the volunteer
26 under the following conditions:

27 (1) The background check is CERTIFICATIONS ARE necessary <--
28 to comply with the requirements of subsection (b).

29 (2) The background check CERTIFICATIONS may not be used, <--
30 and shall not be valid, to satisfy the requirements for

1 employment under section 6344(b) or any other law for which a
2 similar background check may be required.

3 (3) ~~A background check~~ BACKGROUND CERTIFICATIONS shall <--
4 only be provided free of charge to a volunteer once every ~~36~~ <--
5 57 months. <--

6 (4) The volunteer ~~certifies~~ SWEARS OR AFFIRMS, IN <--
7 WRITING, under penalty of 18 Pa.C.S. § 4904 (relating to
8 unsworn falsification to authorities), the following:

9 (i) The background ~~check is~~ CERTIFICATIONS ARE <--
10 necessary to satisfy the requirements under subsection
11 (b).

12 (ii) The volunteer has not received ~~a~~ background <--
13 ~~check~~ CERTIFICATIONS free of charge within the previous <--
14 ~~36~~ 57 months. <--

15 (iii) The volunteer understands that the ~~check~~ <--
16 CERTIFICATIONS shall not be valid or used for any other <--
17 purpose.

18 (H) PRESUMPTION OF GOOD FAITH.--FOR THE PURPOSES OF CRIMINAL <--
19 LIABILITY UNDER THIS SECTION, AN EMPLOYER, ADMINISTRATOR,
20 SUPERVISOR OR OTHER PERSONS RESPONSIBLE FOR THE SELECTION OF
21 VOLUNTEERS ARE PRESUMED TO HAVE ACTED IN GOOD FAITH WHEN
22 IDENTIFYING INDIVIDUALS REQUIRED TO SUBMIT CERTIFICATION UNDER <--
23 CERTIFICATIONS AND MAINTAIN RECORDS AS REQUIRED BY THIS SECTION. <--

24 Section 8. Sections 6344.3(e) and (f) and 6344.4 of Title <--
25 23, added October 22, 2014 (P.L.2529, No.153), (F) AND (G), <--
26 6344.4, 6383(C) (1), (2) AND (3) AND 6386(A) OF TITLE 23 are
27 amended to read:

28 § 6344.3. Continued employment or participation in program,
29 activity or service.

30 * * *

1 (e) Noninterference with decisions.--Nothing in this chapter
2 shall be construed to otherwise interfere with the ability of an
3 employer or person responsible for a program, activity or
4 service to make employment, discipline or termination decisions
5 or from establishing additional [clearance] standards as part of
6 the hiring or selection process for employees or volunteers.

7 (f) [Transfer] Portability of certification.--

8 [(1) Any person who has obtained the information
9 required under this chapter may transfer or provide services
10 to another subsidiary or branch established and supervised by
11 the same organization, or serve in a volunteer capacity for
12 any program, service or activity, during the length of time
13 the person's certification is current pursuant to section
14 6344.4 (relating to certification compliance).

15 (2) Any employee who begins employment with a new
16 agency, institution, organization or other entity that is
17 responsible for the care, supervision, guidance or control of
18 children shall be required to obtain a new certification of
19 compliance as required by this chapter.]

20 (1) ~~if~~ SUBJECT TO THE RESTRICTIONS UNDER SECTION <--
21 6344(B.3) (RELATING TO EMPLOYEES HAVING CONTACT WITH
22 CHILDREN; ADOPTIVE AND FOSTER PARENTS), IF an individual's
23 certifications are current under section 6344.4 (relating to
24 recertification) and the individual completes an affirmation
25 under paragraph (2), the individual may use the
26 certifications as follows:

27 (i) to apply for employment as identified in section
28 6344 (relating to employees having contact with children;
29 adoptive and foster parents);

30 (ii) to serve as an employee as identified in

1 section 6344;
2 (iii) to apply as a volunteer under section 6344.2
3 (relating to volunteers having contact with children);

4 and

5 (iv) to serve as a volunteer under section 6344.2.

6 (2) Prior to commencing employment or service, an
7 individual must swear or affirm in writing that the
8 individual has not been disqualified from employment or
9 service under section 6344(c) or has not been convicted of an
10 offense similar in nature to a crime listed in section
11 6344(c) under the laws or former laws of the United States or
12 one of its territories or possessions, another state, the
13 District of Columbia, the Commonwealth of Puerto Rico or a
14 foreign nation, or under a former law of this Commonwealth.

15 (3) An employer, administrator, supervisor, other person
16 responsible for employment decisions or other person
17 responsible for the selection of volunteers shall make a
18 determination of employment or volunteer matters based on a
19 review of the information required under section 6344(b)
20 prior to employment or acceptance to service in any such
21 capacity and must maintain a copy of the required
22 information.

23 ~~(4) This subsection shall apply to drivers of~~
24 ~~independent school bus contractors.~~

<--

25 * * *

26 § 6344.4. [Certification compliance] Recertification.

27 New certifications shall be obtained in accordance with the
28 following:

29 (1) Effective December 31, 2014:

30 (i) [A] Except as provided in subparagraph (v), a

1 person identified in section 6344 (relating to employees
2 having contact with children; adoptive and foster
3 parents) shall be required to obtain the certifications
4 required by this chapter every [36] 60 months. <--

5 (ii) School employees identified in section
6 6344(a.1)(1) shall be required to obtain reports under
7 section 111 of the act of March 10, 1949 (P.L.30, No.14),
8 known as the Public School Code of 1949, and under
9 section 6344(b)(2) every [36] 60 months. <--

10 (iii) Any person identified in section 6344 with a
11 current certification issued prior to the effective date
12 of this section shall be required to obtain the
13 certifications required by this chapter within [36] 60 <--
14 months from the date of [their most recent] the person's
15 oldest certification or, if the current certification is
16 older than [36] 60 months, within one year of the <--
17 effective date of this section.

18 (iv) A person identified in section 6344 without a
19 certification or who was previously not required to have
20 a certification shall be required to obtain the
21 certifications required by this chapter no later than
22 December 31, 2015.

23 ~~(v) An employee identified under section 6344 who~~ <--
24 ~~has completed a certification or recertification under~~
25 ~~this section, in which a report of Federal criminal~~
26 ~~history record information under section 6344(b)(3) was~~
27 ~~required and completed, shall be required to obtain a~~
28 ~~subsequent report under section 6344(b)(3) every 60~~
29 ~~months.~~

30 (2) (i) Effective [July 1,] AUGUST 25, 2015, a person <--

1 identified in section 6344.2 (relating to volunteers
2 having contact with children) shall be required to obtain
3 the certifications required by this chapter every [36] 60 <--
4 months[.] from the date of the person's most recent
5 certification or, if the current certification is older
6 than ~~36~~ 60 months, within one year of the effective date <--
7 of this section.

8 (ii) A person identified under section 6344.2
9 without a certification or who was previously not
10 required to have a certification shall be required to
11 obtain the certifications required by this chapter no
12 later than July 1, 2016.

13 (3) For renewals of certification required under this
14 chapter, the date for required renewal under this section
15 shall be from the date of the oldest certification under
16 section 6344(b).

17 ~~Section 9. Section 6383(e) (1), (2) and (3) of Title 23 are~~ <--
18 ~~amended to read:~~

19 § 6383. Education and training.

20 * * *

21 (c) Training of persons subject to department regulation.--

22 (1) The following persons shall be required to meet the
23 child abuse recognition and reporting training requirements
24 of this subsection:

25 (i) Operators of institutions, facilities or
26 agencies which care for children and are subject to
27 supervision by the department under Article IX of the
28 Public Welfare Code, and their employees who have direct
29 contact with children.

30 (ii) Foster parents.

1 (iii) Operators of facilities and agencies which
2 care for children and are subject to licensure by the
3 department under Article X of the Public Welfare Code and
4 their employees who have direct contact with children.

5 (iv) Caregivers in family [day care] child-care
6 homes which are subject to [registration] licensure by
7 the department under [Subarticle (c) of] Article X of the
8 Public Welfare Code and their employees who have direct
9 contact with children.

10 (v) The adult ~~household~~ FAMILY member who is a <--
11 person responsible for the child's welfare and is
12 providing services to a child in a family living home, a
13 community homes for individuals with an intellectual
14 disability or a host home which are subject to
15 SUPERVISION OR licensure by the department under Articles <--
16 IX and X of the Public Welfare Code.

17 (2) Within six months of the effective date of this
18 subsection, operators and caregivers shall receive three
19 hours of training prior to the issuance of a license[,] or
20 approval [or registration] certificate and three hours of
21 training every five years thereafter.

22 (3) Employees who have direct contact with children and
23 foster parents shall receive three hours of training within
24 six months of the issuance of a license[,] or approval [or
25 registration] certificate and three hours of training every
26 five years thereafter. New employees and new foster parents
27 shall receive three hours of training within 90 days of hire
28 or approval as a foster parent and three hours of training
29 every five years thereafter.

30 * * *

1 ~~Section 10. Section 6386(a) of Title 23 is amended to read:~~ <--

2 § 6386. Mandatory reporting of children under one year of age.

3 (a) When report to be made.--A health care provider shall
4 immediately make a report or cause a report to be made to the
5 appropriate county agency if the provider is involved in the
6 delivery or care of a child under one year of age who is born
7 and identified as being affected by any of the following:

8 (1) Illegal substance abuse by the child's mother.

9 (2) Withdrawal symptoms resulting from prenatal drug
10 exposure[.] unless the child's mother, during the pregnancy,
11 was:

12 (i) under the care of a prescribing medical
13 professional; and

14 (ii) in compliance with the directions for the
15 administration of a prescription drug as directed by the
16 prescribing medical professional.

17 (3) A Fetal Alcohol Spectrum Disorder.

18 * * *

19 SECTION ~~11~~ 9. THE AMENDMENT OF 23 PA.C.S. § 6344.4(2)(I) IF <--
20 ENACTED AFTER JULY 1, 2015, SHALL BE RETROACTIVE TO JULY 1,
21 2015.

22 Section ~~11~~ ~~12~~ 10. This act shall take effect immediately. <--