

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2503 Session of 2020

INTRODUCED BY B. MILLER, RYAN, RADER, ZIMMERMAN, DRISCOLL, MACKENZIE, STURLA, MENTZER, THOMAS, WILLIAMS, MURT AND GREINER, MAY 12, 2020

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 27, 2020

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for employees having contact with children and
4 adoptive and foster parents.

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

7 Section 1. Section 6344(m) of Title 23 of the Pennsylvania
8 Consolidated Statutes, amended July 2, 2019 (P.L.336, No.47), is
9 amended to read:

10 § 6344. Employees having contact with children; adoptive and
11 foster parents.

12 * * *

13 (m) Provisional employees for limited periods.--[Employers,
14 administrators, supervisors or other persons] An employer,
15 administrator, supervisor or other person responsible for
16 employment decisions may [not] employ [applicants] an applicant
17 on a provisional basis[, except that the department is
18 authorized to grant a waiver of this provision upon request from

1 a] for a single period not to exceed 45 days. A child day-care
2 center, group day-care home or family child-care home[. If a
3 child day-care center, group day-care home or family child-care
4 home is granted a waiver, an applicant may be employed] may
5 employ an applicant on a provisional basis for a single period
6 not to exceed 45 days only if, upon request, the department
7 grants a waiver. In order for an employer, administrator,
8 supervisor or other person responsible for employment decisions
9 to employ an applicant on a provisional basis for a single
10 period not to exceed 45 days, [if] all of the following
11 conditions [are] must be met:

12 (1) The applicant has applied for the information
13 required under subsection (b) and the applicant provides a
14 copy of the appropriate completed request forms to the
15 employer, administrator, supervisor or other person
16 responsible for employment decisions.

17 (2) The employer, administrator, supervisor or other
18 person responsible for employment decisions has no knowledge
19 of information pertaining to the applicant which would
20 disqualify [him] the applicant from employment pursuant to
21 subsection (c).

22 (3) The applicant swears or affirms in writing that [he]
23 the applicant is not disqualified from employment pursuant to
24 subsection (c) or has not been convicted of an offense
25 similar in nature to those crimes listed in subsection (c)
26 under the laws or former laws of the United States or one of
27 its territories or possessions, another state, the District
28 of Columbia, the Commonwealth of Puerto Rico or a foreign
29 nation, or under a former law of this Commonwealth.

30 (3.1) [A child day-care center, group day-care home or

1 family child-care home] The employer, administrator,
2 supervisor or other person responsible for employment
3 decisions received the result of the report of the criminal
4 history record information under subsection (b)(1) or (3).

5 (4) If the information obtained pursuant to subsection
6 (b) reveals that the applicant is disqualified from
7 employment pursuant to subsection (c), the applicant shall be
8 immediately dismissed by the employer, administrator,
9 supervisor or other person responsible for employment
10 decisions.

11 (5) The employer, administrator, supervisor or other
12 person responsible for employment decisions requires that the
13 applicant not be permitted to work alone with children and
14 that the applicant work in the immediate vicinity of a
15 permanent employee.

16 * * *

17 Section 2. This act shall take effect ~~immediately~~ JANUARY 1, <--
18 2021.