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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 606 Session of  
2021

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INTRODUCED BY J. WARD, MENSCH, PITTMAN, MARTIN, BARTOLOTTA,  
BAKER, STEFANO AND BROWNE, MAY 11, 2021

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REFERRED TO HEALTH AND HUMAN SERVICES, MAY 11, 2021

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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(b.1) and (m) of Title 23 of the  
8 Pennsylvania Consolidated Statutes are amended and the section  
9 is amended by adding a subsection to read:

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

12 \* \* \*

13 (b.1) Required documentation to be maintained and  
14 produced.--The employer, administrator, supervisor or other  
15 person responsible for employment decisions or acceptance of the  
16 individual to serve in any capacity identified in subsection (a)  
17 (1), (2), (3), (4), (5) (i) or (6), (a.1) or (a.2) shall maintain  
18 a copy of the required information and require the individual to  
19 submit the required documents prior to employment or acceptance

1 to serve in any such capacity or as required in section 6344.4,  
2 except as allowed under subsection [(m)] (m.1).

3 \* \* \*

4 [(m) Provisional employees for limited periods.--Employers,  
5 administrators, supervisors or other persons responsible for  
6 employment decisions may not employ applicants on a provisional  
7 basis, except that the department is authorized to grant a  
8 waiver of this provision upon request from a child day-care  
9 center, group day-care home or family child-care home. If a  
10 child day-care center, group day-care home or family child-care  
11 home is granted a waiver, an applicant may be employed on a  
12 provisional basis for a single period not to exceed 45 days, if  
13 all of the following conditions are met:

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

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

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

1 (3.1) A child day-care center, group day-care home or  
2 family child-care home received the result of the report of  
3 the criminal history record information under subsection (b)  
4 (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 (m.1) Conditions for provisional employees.--

17 (1) An employer, administrator, supervisor or other  
18 person responsible for employment decisions may employ an  
19 applicant on a provisional basis for a single period not to  
20 exceed 45 days if the following conditions are met:

21 (i) The applicant has applied for the information  
22 required under subsection (b) and provided a copy of the  
23 appropriate completed request forms to the employer,  
24 administrator, supervisor or other person responsible for  
25 employment decisions.

26 (ii) The employer, administrator, supervisor or  
27 other person responsible for employment decisions has no  
28 knowledge of information that would disqualify the  
29 applicant from employment under subsection (c).

30 (iii) The applicant swears or affirms in writing

1 that the applicant is not disqualified from employment  
2 under subsection (c) and has not been convicted of an  
3 offense similar in nature to those crimes listed in  
4 subsection (c) under the laws or former laws of this  
5 Commonwealth or any other jurisdiction.

6 (iv) The employer, administrator, supervisor or  
7 other person responsible for employment decisions has  
8 received the result of the report of the criminal history  
9 record information under subsection (b) (1) or (3).

10 (2) An employee hired on a provisional basis under this  
11 subsection must work in the immediate vicinity of a permanent  
12 employee and may not be alone with children.

13 (3) If the information obtained in accordance with  
14 subsection (b) reveals that the applicant is disqualified  
15 from employment pursuant to subsection (c), the applicant  
16 shall be dismissed immediately.

17 (4) This subsection does not apply to a child-care  
18 institution within the meaning of 42 U.S.C. § 672 (relating  
19 to foster care maintenance payments program) or facility that  
20 serves children and is licensed by the Department of Human  
21 Services, other than a child day-care center, group day-care  
22 home or family child-care home.

23 \* \* \*

24 Section 2. This act shall take effect January 1, 2022.