

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1276 Session of 2015

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 16, 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," "direct <--
16 contact with children," "independent contractor," "perpetrator,"
17 "person responsible for the child's welfare," "program, activity
18 or service" SERVICE," "SCHOOL" and "school employee" in section <--
19 6303(a) of Title 23 of the Pennsylvania Consolidated Statutes,

1 amended October 22, 2014 (P.L.2529, No.153), are amended and the
2 section is amended by adding ~~a definition~~ 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 "Child-care services." Includes any of the following:

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

29 The term does not apply to services provided by administrative
30 or other support personnel unless the administrative or other

1 support personnel's duties involve PERSONNEL HAS direct contact <--
2 with children.

3 * * *

4 ~~"Direct contact with children." The care, supervision,~~ <--
5 ~~guidance or control of children [or] and routine interaction~~
6 ~~with children.~~

7 * * *

8 "Independent contractor." An individual who provides a
9 program, activity or service to an agency, institution,
10 organization or other entity, including a school or regularly
11 established religious organization, that is responsible for the
12 care, supervision, guidance or control of children. The term
13 does not [include an individual who has no] apply to
14 administrative or other support personnel unless the
15 administrative or other support personnel's duties involve <--
16 PERSONNEL HAS direct contact with children. <--

17 * * *

18 "INSTITUTION OF HIGHER EDUCATION." ANY OF THE FOLLOWING: <--

19 (1) A COMMUNITY COLLEGE WHICH IS AN INSTITUTION NOW OR
20 HEREAFTER CREATED PURSUANT TO ARTICLE XIX-A OF THE ACT OF
21 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL
22 CODE OF 1949, OR THE ACT OF AUGUST 24, 1963 (P.L.1132,
23 NO.484), KNOWN AS THE COMMUNITY COLLEGE ACT OF 1963.

24 (2) AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION WHICH
25 IS AN INSTITUTION OF HIGHER EDUCATION, OPERATED NOT FOR
26 PROFIT, LOCATED IN AND INCORPORATED OR CHARTERED BY THE
27 COMMONWEALTH, ENTITLED TO CONFER DEGREES AS SET FORTH IN 24
28 PA.C.S. § 6505 (RELATING TO POWER TO CONFER DEGREES) AND
29 ENTITLED TO APPLY TO ITSELF THE DESIGNATION "COLLEGE" OR
30 "UNIVERSITY" AS PROVIDED FOR BY STANDARDS AND QUALIFICATIONS

1 PRESCRIBED BY THE STATE BOARD OF EDUCATION UNDER 24 PA.C.S.
2 CH. 65 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES AND
3 SEMINARIES).

4 (3) A STATE-OWNED UNIVERSITY.

5 (4) A STATE-RELATED UNIVERSITY.

6 * * *

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

9 (1) The term includes only the following:

10 (i) A parent of the child.

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

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

15 (iv) A person 14 years of age or older and
16 responsible for the child's welfare or having direct
17 contact with children 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, repeated and continual~~ <--
30 REGULAR AND REPEATED contact that is integral to a person's <--

1 employment or volunteer responsibilities.

2 * * *

3 "SCHOOL." A FACILITY PROVIDING ELEMENTARY, SECONDARY OR <--
4 POSTSECONDARY EDUCATIONAL SERVICES. THE TERM INCLUDES THE
5 FOLLOWING:

6 (1) ANY SCHOOL OF A SCHOOL DISTRICT.

7 (2) AN AREA VOCATIONAL-TECHNICAL SCHOOL.

8 (3) A JOINT SCHOOL.

9 (4) AN INTERMEDIATE UNIT.

10 (5) A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL.

11 (6) A CYBER CHARTER SCHOOL.

12 (7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF JANUARY
13 28, 1988 (P.L.24, NO.11), KNOWN AS THE PRIVATE ACADEMIC
14 SCHOOLS ACT.

15 (8) A PRIVATE SCHOOL ACCREDITED BY AN ACCREDITING
16 ASSOCIATION APPROVED BY THE STATE BOARD OF EDUCATION.

17 (9) A NONPUBLIC SCHOOL.

18 (10) [A COMMUNITY COLLEGE WHICH IS AN INSTITUTION NOW OR
19 HEREAFTER CREATED PURSUANT TO ARTICLE XIX-A OF THE ACT OF
20 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL
21 CODE OF 1949, OR THE ACT OF AUGUST 24, 1963 (P.L.1132,
22 NO.484), KNOWN AS THE COMMUNITY COLLEGE ACT OF 1963.

23 (11) AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION
24 WHICH IS AN INSTITUTION OF HIGHER EDUCATION WHICH IS OPERATED
25 NOT FOR PROFIT, LOCATED IN AND INCORPORATED OR CHARTERED BY
26 THE COMMONWEALTH, ENTITLED TO CONFER DEGREES AS SET FORTH IN
27 24 PA.C.S. § 6505 (RELATING TO POWER TO CONFER DEGREES) AND
28 ENTITLED TO APPLY TO ITSELF THE DESIGNATION "COLLEGE" OR
29 "UNIVERSITY" AS PROVIDED FOR BY STANDARDS AND QUALIFICATIONS
30 PRESCRIBED BY THE STATE BOARD OF EDUCATION PURSUANT TO 24

1 PA.C.S. CH. 65 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES
2 AND SEMINARIES).

3 (12) A STATE-OWNED UNIVERSITY.

4 (13) A STATE-RELATED UNIVERSITY.] AN INSTITUTION OF
5 HIGHER EDUCATION.

6 (14) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER
7 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED
8 SCHOOLS ACT.

9 (15) THE HIRAM G. ANDREWS CENTER.

10 (16) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION AS
11 DEFINED IN SECTION 914.1-A(C) OF THE PUBLIC SCHOOL CODE OF
12 1949.

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

19 * * *

20 Section 2. Section 6311(a)(7) AND (12) of Title 23 ~~is~~ ARE <--
21 amended AND THE SUBSECTION IS AMENDED BY ADDING A PARAGRAPH to <--
22 read:

23 § 6311. Persons required to report suspected child abuse.

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

28 * * *

29 (7) An individual paid or unpaid, who, on the basis of
30 the individual's role as an integral part of a regularly

1 scheduled program, activity or service, [accepts
2 responsibility for a child] is a person responsible for the
3 child's welfare OR HAS DIRECT CONTACT WITH CHILDREN. <--

4 * * *

5 (12) AN INDIVIDUAL SUPERVISED OR MANAGED BY A PERSON <--
6 LISTED UNDER PARAGRAPHS (1), (2), (3), (4), (5), (6), (7),
7 (8), (9), (10) [AND], (11) AND (13), WHO HAS DIRECT CONTACT
8 WITH CHILDREN IN THE COURSE OF EMPLOYMENT.

9 * * *

10 (16) AN ADULT HOUSEHOLD MEMBER WHO IS A PERSON <--
11 RESPONSIBLE FOR THE CHILD'S WELFARE AND PROVIDES SERVICES TO
12 A CHILD IN A FAMILY LIVING HOME, COMMUNITY HOME FOR
13 INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR HOST HOME FOR
14 CHILDREN WHICH ARE SUBJECT TO LICENSURE BY THE DEPARTMENT
15 UNDER ARTICLES IX AND X OF THE ACT OF JUNE 13, 1967 (P.L.31,
16 NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

17 Section 3. Section 6335(e) of Title 23, amended October 22,
18 2014 (P.L.2529, No.153), is amended to read:

19 § 6335. Access to information in Statewide database.

20 * * *

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

30 (1) Whether the person was named as a perpetrator of

1 child abuse in a founded or indicated report.

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

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

7 * * *

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

10 § 6340. Release of information in confidential reports.

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

14 * * *

15 (18) The Department of the Auditor General in
16 conjunction with the performances of the duties designated to
17 the Office of Auditor General, except that the Auditor
18 General MAY HAVE ACCESS TO ONLY THE REPORTS IN THE POSSESSION <--
19 OF THE ENTITY BEING AUDITED AND may not remove identifiable
20 reports or copies thereof from the department or county
21 agency.

22 * * *

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

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

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

- 1 (1) An employee of child-care services.
- 2 (2) A foster parent.
- 3 (3) A prospective adoptive parent.
- 4 (4) A self-employed family day-care provider.
- 5 (5) [An] (i) Except as provided under subparagraph
6 (ii), an individual 14 years of age or older who is
7 applying for or holding a paid position as an employee
8 and who is a person WITH A PROGRAM, ACTIVITY OR SERVICE, <--
9 AS A PERSON responsible for the [welfare of a child]
10 child's welfare or having direct contact with children
11 through a program, activity or service. <--
- 12 (ii) An adult applying for or holding a paid
13 position with an employer that participates in an
14 internship, externship, work-study, co-op or similar
15 program with a school and is identified by the employer
16 as the child's supervisor and the person responsible for
17 the child's welfare while the child participates in the
18 program with the employer. THIS SUBPARAGRAPH DOES NOT <--
19 APPLY TO OTHER EMPLOYEES OF THAT EMPLOYER WHO HAVE NOT
20 BEEN IDENTIFIED AS THE PERSON RESPONSIBLE FOR THE CHILD'S
21 WELFARE.
- 22 (6) Any individual seeking to provide child-care
23 services under contract with a child-care facility or
24 program.
- 25 (7) An individual 18 years of age or older who resides
26 in the home of a foster parent for at least 30 days in a
27 calendar year or who resides in the home of a prospective
28 adoptive parent for at least 30 days in a calendar year.
- 29 (8) AN INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO RESIDES <--
30 FOR AT LEAST 30 DAYS IN A CALENDAR YEAR IN THE FOLLOWING

1 HOMES WHICH ARE SUBJECT TO LICENSURE BY THE DEPARTMENT UNDER
2 ARTICLES IX AND X OF THE ACT OF JUNE 13, 1967 (P.L.31,
3 NO.21), KNOWN AS THE PUBLIC WELFARE CODE:

4 (I) A FAMILY LIVING HOME.

5 (II) A COMMUNITY HOME FOR INDIVIDUALS WITH AN
6 INTELLECTUAL DISABILITY.

7 (III) A HOST HOME FOR CHILDREN.

8 THIS PARAGRAPH DOES NOT INCLUDE AN INDIVIDUAL WITH AN
9 INTELLECTUAL DISABILITY OR CHRONIC PSYCHIATRIC DISABILITY
10 RECEIVING SERVICES IN A HOME.

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

13 (1) School employees governed by the provisions of the
14 act of March 10, 1949 (P.L.30, No.14), known as the Public
15 School Code of 1949, shall be subject to the provisions of
16 section 111 of the Public School Code of 1949, except that
17 this section shall apply with regard to the [information] <--
18 CERTIFICATION required under ~~subsection (b) (2)}~~ ~~subsections~~ <--
19 ~~(b) (2) and (c) (1)~~ AND THE GROUNDS FOR DENYING EMPLOYMENT
20 UNDER SUBSECTION (C) (1).

21 ~~(2) School employees not governed by the provisions of~~ <--

22 (2) (I) SCHOOL EMPLOYEES NOT GOVERNED BY THE PROVISIONS
23 OF the Public School Code of 1949 shall be governed by
24 this section.

25 (II) THIS PARAGRAPH SHALL NOT APPLY TO AN EMPLOYEE <--
26 OF AN INSTITUTION OF HIGHER EDUCATION WHOSE DIRECT
27 CONTACT WITH CHILDREN, IN THE COURSE OF EMPLOYMENT, IS
28 LIMITED TO CHILDREN 16 YEARS OF AGE OR OLDER WHO ARE
29 EITHER:

30 (A) PROSPECTIVE STUDENTS VISITING A CAMPUS

1 OPERATED BY THE INSTITUTION OF HIGHER EDUCATION; OR
2 (B) STUDENTS WHO ARE ENROLLED WITH THE
3 INSTITUTION AND ATTEND CLASSES AT A CAMPUS OR
4 FACILITY OPERATED BY THE INSTITUTION OF HIGHER
5 EDUCATION.

6 (a.2) Minors.--An individual between 14 and 17 years of age
7 who applies for or holds a paid position as an employee who is a
8 person responsible for the child's welfare or a person with
9 direct contact with children through a program, activity or
10 service prior to the commencement of employment or under section
11 6344.4 (relating to recertification) shall be required to submit
12 only the information under subsection (b) (1) and (2) to an
13 employer, administrator, supervisor or other person responsible
14 for employment decisions, if the following apply:

15 (1) The individual has been a resident of this
16 Commonwealth during the entirety of the previous 10-year
17 period or, if not a resident of this Commonwealth during the
18 entirety of the previous 10-year period, has received
19 certification under subsection (b) (3) at any time since
20 establishing residency in this Commonwealth and provides a
21 copy of the certification to the employer.

22 (2) The individual and the individual's parent or legal
23 guardian swears or affirms in writing that the individual is
24 not disqualified from service under subsection (c) or has not
25 been convicted of an offense similar in nature to those
26 crimes listed in subsection (c) under the laws or former laws
27 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 (A.3) INTERNSHIPS AND SIMILAR PROGRAMS WITH SCHOOLS.--AN <--
2 ADULT APPLYING FOR OR HOLDING A PAID POSITION WITH AN EMPLOYER
3 THAT PARTICIPATES IN AN INTERNSHIP, EXTERNSHIP, WORK-STUDY, CO-
4 OP OR SIMILAR PROGRAM WITH A SCHOOL SHALL NOT BE REQUIRED TO
5 SUBMIT INFORMATION UNDER SUBSECTION (B) IF THE CHILD
6 PARTICIPATING IN THE PROGRAM IS AT LEAST 16 YEARS OF AGE.

7 (A.4) EXCHANGE VISITOR.--AN INDIVIDUAL IN POSSESSION OF A <--
8 NONIMMIGRANT VISA ISSUED PURSUANT TO 8 U.S.C. § 1101(A)(15)(J)
9 (RELATING TO DEFINITIONS) TO AN EXCHANGE VISITOR, COMMONLY
10 REFERRED TO AS A "J-1" VISA, SHALL NOT BE REQUIRED TO SUBMIT
11 INFORMATION UNDER SUBSECTION (B) IF ALL OF THE FOLLOWING APPLY:

12 (1) THE INDIVIDUAL IS APPLYING FOR OR HOLDS A PAID
13 POSITION WITH A PROGRAM, ACTIVITY OR SERVICE FOR A PERIOD NOT
14 TO EXCEED A TOTAL OF 90 DAYS IN A CALENDAR YEAR.

15 (2) THE INDIVIDUAL SWEARS OR AFFIRMS IN WRITING THAT THE
16 INDIVIDUAL IS NOT DISQUALIFIED FROM SERVICE UNDER SUBSECTION
17 (C) OR HAS NOT BEEN CONVICTED OF AN OFFENSE SIMILAR IN NATURE
18 TO THE CRIMES LISTED UNDER SUBSECTION (C) UNDER THE LAWS OR
19 FORMER LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR
20 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
21 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION, OR UNDER A
22 FORMER LAW OF THIS COMMONWEALTH.

23 (b) Information to be submitted.--An individual identified
24 in subsection (a)(7) at the time the individual meets the
25 description set forth in subsection (a)(7) and an individual
26 identified in subsection (a)(1), (2), (3), (4), (5) or (6) [or],
27 (a.1) or (a.2) prior to the commencement of employment or
28 service or in accordance with section 6344.4 shall be required
29 to submit the following information to an employer,
30 administrator, supervisor or other person responsible for

1 employment decisions or involved in the selection of volunteers:

2 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal
3 history record information), a report of criminal history
4 record information from the Pennsylvania State Police or a
5 statement from the Pennsylvania State Police that the State
6 Police central repository contains no such information
7 relating to that person. The criminal history record
8 information shall be limited to that which is disseminated
9 pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general
10 regulations).

11 (2) A certification from the department as to whether
12 the applicant is named in the Statewide database as the
13 alleged perpetrator in a pending child abuse investigation or
14 as the perpetrator of a founded report or an indicated
15 report.

16 (3) A report of Federal criminal history record
17 information. The applicant shall submit a full set of
18 fingerprints to the Pennsylvania State Police for the purpose
19 of a record check, and the Pennsylvania State Police or its
20 authorized agent shall submit the fingerprints to the Federal
21 Bureau of Investigation for the purpose of verifying the
22 identity of the applicant and obtaining a current record of
23 any criminal arrests and convictions.

24 (b.1) Required documentation to be maintained and
25 produced.--The employer, administrator, supervisor or other
26 person responsible for employment decisions or acceptance of the
27 individual to serve in any capacity identified in subsection (a)
28 (1), (2), (3), (4), (5) or (6) [or], (a.1) or (a.2) shall
29 maintain a copy of the required information and require the
30 individual to [produce] submit the [original document] required

1 documents prior to employment or acceptance to serve in any such
2 capacity or as required in section 6344.4, except as allowed
3 under subsection (m).

4 (b.2) Investigation.--An employer, administrator, supervisor
5 or other person responsible for employment decisions shall
6 require an applicant to submit the required documentation set
7 forth in this chapter or as required in section 6344.4. An
8 employer, administrator, supervisor or other person responsible
9 for employment decisions that intentionally fails to require an
10 applicant to submit the required documentation before the
11 applicant's hiring or upon recertification commits a misdemeanor
12 of the third degree.

13 * * *

14 (d) Prospective adoptive or foster parents.--With regard to
15 prospective adoptive or prospective foster parents, the
16 following shall apply:

17 * * *

18 (4.1) IF A FOSTER PARENT, PROSPECTIVE ADOPTIVE PARENT, <--
19 OR AN INDIVIDUAL OVER 18 YEARS OF AGE RESIDING IN THE HOME IS
20 ARRESTED FOR OR CONVICTED OF AN OFFENSE THAT WOULD CONSTITUTE
21 GROUNDS FOR DENYING APPROVAL UNDER THIS CHAPTER OR IS NAMED
22 AS A PERPETRATOR IN A FOUNDED OR INDICATED REPORT, THE FOSTER
23 PARENT OR PROSPECTIVE ADOPTIVE PARENT SHALL PROVIDE THE
24 FOSTER FAMILY CARE AGENCY OR THE AGENCY LISTED TO PROVIDE
25 ADOPTION SERVICES WITH WRITTEN NOTICE NOT LATER THAN 72 HOURS
26 AFTER THE ARREST, CONVICTION OR NOTIFICATION THAT THE [FOSTER
27 PARENT] INDIVIDUAL WAS NAMED AS A PERPETRATOR IN THE
28 STATEWIDE DATABASE.

29 (5) FOSTER PARENTS AND PROSPECTIVE ADOPTIVE PARENTS
30 SHALL BE REQUIRED TO REPORT ANY OTHER CHANGE IN THE [FOSTER]

1 FAMILY HOUSEHOLD COMPOSITION WITHIN 30 DAYS OF THE CHANGE FOR
2 REVIEW BY THE FOSTER FAMILY CARE AGENCY OR THE AGENCY LISTED
3 TO PROVIDE ADOPTION SERVICES. IF ANY INDIVIDUAL OVER 18 YEARS
4 OF AGE, WHO HAS RESIDED OUTSIDE THIS COMMONWEALTH AT ANY TIME
5 WITHIN THE PREVIOUS FIVE-YEAR PERIOD, BEGINS RESIDING IN THE
6 HOME OF AN APPROVED FOSTER FAMILY OR A PROSPECTIVE ADOPTIVE
7 FAMILY, THAT INDIVIDUAL SHALL, WITHIN 30 DAYS OF BEGINNING
8 RESIDENCE, SUBMIT TO THE FOSTER FAMILY CARE AGENCY OR THE
9 AGENCY LISTED TO PROVIDE ADOPTION SERVICES A CERTIFICATION
10 OBTAINED FROM THE STATEWIDE DATABASE, OR ITS EQUIVALENT IN
11 EACH STATE IN WHICH THE PERSON HAS RESIDED WITHIN THE
12 PREVIOUS FIVE-YEAR PERIOD, AS TO WHETHER THE PERSON IS NAMED
13 AS A PERPETRATOR. IF THE CERTIFICATION SHOWS THAT THE PERSON
14 IS NAMED AS A PERPETRATOR WITHIN THE PREVIOUS FIVE-YEAR
15 PERIOD, THE FOSTER FAMILY CARE AGENCY OR THE AGENCY LISTED TO
16 PROVIDE ADOPTION SERVICES SHALL FORWARD THE CERTIFICATION TO
17 THE DEPARTMENT FOR REVIEW. IF THE DEPARTMENT DETERMINES THAT
18 THE PERSON IS NAMED AS THE EQUIVALENT OF A PERPETRATOR OF A
19 FOUNDED REPORT WITHIN THE PREVIOUS FIVE-YEAR PERIOD AND THE
20 PERSON DOES NOT CEASE RESIDING IN THE HOME IMMEDIATELY, THE
21 COUNTY AGENCY SHALL IMMEDIATELY SEEK COURT AUTHORIZATION TO
22 REMOVE THE FOSTER CHILD OR CHILDREN FROM THE HOME. IN
23 EMERGENCY SITUATIONS WHEN A JUDGE CANNOT BE REACHED, THE
24 COUNTY AGENCY SHALL PROCEED IN ACCORDANCE WITH THE
25 PENNSYLVANIA RULES OF JUVENILE COURT PROCEDURE.

26 (6) In cases where foster parents knowingly fail to
27 submit the material information required in paragraphs (4.1)
28 and (5) and section 6344.4 [(relating to certification
29 compliance)] such that it would disqualify them as foster
30 parents, the county agency shall immediately seek court

1 authorization to remove the foster child or children from the
2 home. In emergency situations when a judge cannot be reached,
3 the county agency shall proceed in accordance with the
4 Pennsylvania Rules of Juvenile Court Procedure.

5 * * *

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

11 (i) Previous addresses within the last [ten] 10
12 years.

13 (ii) Criminal history background [clearance]
14 certification generated by the process outlined in this
15 section.

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

18 (iv) Composition of the resident family unit.

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

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

25 (vii) Drug-related or alcohol-related arrests, if
26 criminal charges or judicial proceedings are pending, and
27 any convictions or hospitalizations within the last five
28 years. If the applicant provides information regarding
29 convictions or hospitalizations in that five-year period,
30 then information on the prior five years shall be

1 requested related to any additional convictions or
2 hospitalizations.

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

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

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

10 (xi) Previous history as a foster parent, including
11 number and types of children served.

12 (xii) Related education, training or personal
13 experience working with foster children or the child
14 welfare system.

15 * * *

16 (D.3) FAMILY LIVING HOMES, COMMUNITY HOMES FOR INDIVIDUALS <--
17 WITH AN INTELLECTUAL DISABILITY AND HOST HOMES.--

18 (1) THE FOLLOWING SHALL APPLY TO AN INDIVIDUAL OVER 18
19 YEARS OF AGE RESIDING IN A FAMILY LIVING HOME, A COMMUNITY
20 HOME FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR A
21 HOST HOME PROVIDING COMMUNITY RESIDENTIAL REHABILITATION
22 SERVICES, WHICH ARE SUBJECT TO LICENSURE BY THE DEPARTMENT
23 UNDER ARTICLES IX AND X OF THE PUBLIC WELFARE CODE:

24 (I) IF AN INDIVIDUAL IS ARRESTED FOR OR CONVICTED OF
25 AN OFFENSE THAT WOULD CONSTITUTE GROUNDS FOR DENYING
26 APPROVAL UNDER THIS CHAPTER, OR IS NAMED AS A PERPETRATOR
27 IN A FOUNDED OR INDICATED REPORT, THE INDIVIDUAL SHALL
28 PROVIDE THE AGENCY WITH WRITTEN NOTICE NOT LATER THAN 72
29 HOURS AFTER THE ARREST, CONVICTION OR NOTIFICATION THAT
30 THE INDIVIDUAL WAS NAMED AS A PERPETRATOR IN THE

1 STATEWIDE DATABASE.

2 (II) THE ADULT HOUSEHOLD MEMBER WHO IS PROVIDING
3 SERVICES TO A CHILD IN THE HOME SHALL BE REQUIRED TO
4 REPORT ANY OTHER CHANGE IN THE HOUSEHOLD COMPOSITION
5 WITHIN 30 DAYS OF THE CHANGE FOR REVIEW BY THE AGENCY. IF
6 ANY INDIVIDUAL OVER 18 YEARS OF AGE, WHO HAS RESIDED
7 OUTSIDE THIS COMMONWEALTH AT ANY TIME WITHIN THE PREVIOUS
8 FIVE-YEAR PERIOD, BEGINS RESIDING IN THE HOME, THAT
9 INDIVIDUAL SHALL, WITHIN 30 DAYS OF BEGINNING RESIDENCE,
10 SUBMIT TO THE AGENCY A CERTIFICATION OBTAINED FROM THE
11 STATEWIDE DATABASE, OR ITS EQUIVALENT IN EACH STATE IN
12 WHICH THE INDIVIDUAL HAS RESIDED WITHIN THE PREVIOUS
13 FIVE-YEAR PERIOD, AS TO WHETHER THE PERSON IS NAMED AS A
14 PERPETRATOR. IF THE CERTIFICATION SHOWS THAT THE PERSON
15 IS NAMED AS A PERPETRATOR WITHIN THE PREVIOUS FIVE-YEAR
16 PERIOD, THE AGENCY SHALL FORWARD THE CERTIFICATION TO THE
17 DEPARTMENT FOR REVIEW.

18 (2) THIS SUBSECTION SHALL NOT APPLY TO AN INDIVIDUAL
19 WITH AN INTELLECTUAL DISABILITY OR CHRONIC PSYCHIATRIC
20 DISABILITY RECEIVING SERVICES IN A HOME.

21 (3) AS USED IN THIS SUBSECTION, THE TERM "AGENCY" MEANS
22 A FAMILY LIVING HOME AGENCY, COMMUNITY HOME AGENCY FOR
23 INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR A HOST HOME
24 AGENCY.

25 (E) SELF-EMPLOYED FAMILY [DAY-CARE] CHILD-CARE PROVIDERS.--
26 SELF-EMPLOYED FAMILY [DAY-CARE] CHILD-CARE PROVIDERS WHO APPLY
27 FOR A [CERTIFICATE OF REGISTRATION] LICENSE WITH THE DEPARTMENT
28 SHALL SUBMIT WITH THEIR [REGISTRATION] LICENSURE APPLICATION THE
29 INFORMATION SET FORTH UNDER SUBSECTION (B) FOR REVIEW IN
30 ACCORDANCE WITH THIS SECTION.

1 * * *

2 SECTION 6. SECTION 6344.1 HEADING, (A) AND (C) OF TITLE 23
3 ARE AMENDED TO READ:

4 § 6344.1. INFORMATION RELATING TO CERTIFIED OR [REGISTERED DAY-
5 CARE] LICENSED CHILD-CARE HOME RESIDENTS.

6 (A) GENERAL RULE.--IN ADDITION TO THE REQUIREMENTS OF
7 SECTION 6344 (RELATING TO EMPLOYEES HAVING CONTACT WITH
8 CHILDREN; ADOPTIVE AND FOSTER PARENTS), AN INDIVIDUAL WHO
9 APPLIES TO THE DEPARTMENT FOR A CERTIFICATE OF COMPLIANCE OR A
10 [REGISTRATION CERTIFICATE] LICENSE TO PROVIDE CHILD DAY CARE IN
11 A RESIDENCE SHALL INCLUDE CRIMINAL HISTORY RECORD AND CHILD
12 ABUSE RECORD INFORMATION REQUIRED UNDER SECTION 6344(B) FOR
13 EVERY INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO RESIDES IN THE
14 HOME FOR AT LEAST 30 DAYS IN A CALENDAR YEAR.

15 * * *

16 (C) EFFECT ON CERTIFICATION OR [REGISTRATION] LICENSURE.--
17 THE DEPARTMENT SHALL REFUSE TO ISSUE OR RENEW A CERTIFICATE OF
18 COMPLIANCE OR [REGISTRATION CERTIFICATE] LICENSE OR SHALL REVOKE
19 A CERTIFICATE OF COMPLIANCE OR [REGISTRATION CERTIFICATE]
20 LICENSE IF THE DAY-CARE HOME PROVIDER OR INDIVIDUAL 18 YEARS OF
21 AGE OR OLDER WHO HAS RESIDED IN THE HOME FOR AT LEAST 30 DAYS IN
22 A CALENDAR YEAR:

23 (1) IS NAMED IN THE STATEWIDE DATABASE AS THE
24 PERPETRATOR OF A FOUNDED REPORT COMMITTED WITHIN THE
25 IMMEDIATELY PRECEDING FIVE-YEAR PERIOD; OR

26 (2) HAS BEEN CONVICTED OF AN OFFENSE ENUMERATED IN
27 SECTION 6344(C).

28 * * *

29 ~~Section 6. Sections 6344.2(a), (b.1) and (f), 6344.3(e) and <--~~
30 ~~(f) and 6344.4 of Title 23, amended or added October 22, 2014~~

1 ~~(P.L.2529, No.153), are amended to read:~~

2 SECTION 7. SECTION 6344.2(A), (B.1), (E) AND (F) OF TITLE <--
3 23, AMENDED OCTOBER 22, 2014 (P.L.2529, NO.153), ARE AMENDED AND
4 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

5 § 6344.2. Volunteers having contact with children.

6 (a) Applicability.--This section applies to an adult
7 applying for or holding an unpaid position as a volunteer with a
8 child-care service, a school or a program, activity or service,
9 as a person responsible for the [welfare of a child] CHILD'S <--
10 WELFARE or having direct contact with children.

11 * * *

12 (b.1) Exception.--

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

18 (i) The position the prospective volunteer is
19 applying for is unpaid.

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

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 (3) A VOLUNTEER WHO PROVIDES EPISODIC, INFREQUENT OR <--
13 INTERMITTENT SERVICES TO A PROGRAM, ACTIVITY OR SERVICE AND
14 WHO IS WITHIN THE IMMEDIATE VICINITY OF AT LEAST ONE
15 INDIVIDUAL WHO IS RESPONSIBLE FOR THE CHILD'S WELFARE AND HAS
16 SUBMITTED THE INFORMATION UNDER SECTION 6344(B) (1) AND (2)
17 SHALL BE EXEMPT FROM THIS SECTION. AS USED IN THIS PARAGRAPH,
18 THE TERM "IMMEDIATE VICINITY" MEANS AN AREA SUBJECT TO SIGHT,
19 HEARING AND DIRECTION AND ASSESSMENT OF ACTIVITY.

20 * * *

21 [(E) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE <--
22 CONSTRUED TO PROHIBIT AN ORGANIZATION FROM REQUIRING ADDITIONAL
23 INFORMATION AS PART OF THE CLEARANCE PROCESS FOR VOLUNTEERS WHO
24 ARE RESPONSIBLE FOR THE WELFARE OF A CHILD OR HAVE DIRECT
25 CONTACT WITH CHILDREN.]

26 (f) [Provisional clearances for volunteers] Nonresident
27 volunteer certification.--Employers, administrators, supervisors
28 or other persons responsible for selection of volunteers may
29 allow a volunteer to serve on a provisional basis [for a single
30 period] not to exceed a total of 30 days in a calendar year if

1 the volunteer is in compliance with the clearance standards
2 under the law of the jurisdiction where the volunteer is
3 domiciled. The nonresident volunteer must provide the employer,
4 administrator, supervisor or other person responsible for
5 selection of volunteers with documentation of certifications.

6 (G) WAIVER OF FEES FOR CERTAIN BACKGROUND CHECKS.--THE FEES <--
7 FOR CERTIFICATIONS PROVIDED UNDER SECTION 6344(B)(1) AND (2)
8 WHICH A VOLUNTEER IS REQUIRED TO COMPLETE UNDER THIS SECTION
9 SHALL BE WAIVED AND THE CERTIFICATIONS SHALL BE PROVIDED FREE OF
10 CHARGE TO THE VOLUNTEER UNDER THE FOLLOWING CONDITIONS:

11 (1) THE BACKGROUND CHECK IS NECESSARY TO COMPLY WITH THE
12 REQUIREMENTS OF SUBSECTION (B).

13 (2) THE BACKGROUND CHECK MAY NOT BE USED, AND SHALL NOT
14 BE VALID, TO SATISFY THE REQUIREMENTS FOR EMPLOYMENT UNDER
15 SECTION 6344(B) OR ANY OTHER LAW FOR WHICH A SIMILAR
16 BACKGROUND CHECK MAY BE REQUIRED.

17 (3) A BACKGROUND CHECK SHALL ONLY BE PROVIDED FREE OF
18 CHARGE TO A VOLUNTEER ONCE EVERY 36 MONTHS.

19 (4) THE VOLUNTEER CERTIFIES, UNDER PENALTY OF 18 P.A.C.S.
20 § 4904 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES),
21 THE FOLLOWING:

22 (I) THE BACKGROUND CHECK IS NECESSARY TO SATISFY THE
23 REQUIREMENTS UNDER SUBSECTION (B).

24 (II) THE VOLUNTEER HAS NOT RECEIVED A BACKGROUND
25 CHECK FREE OF CHARGE WITHIN THE PREVIOUS 36 MONTHS.

26 (III) THE VOLUNTEER UNDERSTANDS THAT THE CHECK SHALL
27 NOT BE VALID OR USED FOR ANY OTHER PURPOSE.

28 SECTION 8. SECTIONS 6344.3(E) AND (F) AND 6344.4 OF TITLE
29 23, ADDED OCTOBER 22, 2014 (P.L.2529, NO.153), ARE AMENDED TO
30 READ:

1 § 6344.3. Continued employment or participation in program,
2 activity or service.

3 * * *

4 (e) Noninterference with decisions.--Nothing in this chapter
5 shall be construed to otherwise interfere with the ability of an
6 employer or PERSON RESPONSIBLE FOR A program, activity or <--
7 service to make employment, discipline or termination decisions
8 or FROM establishing additional [clearance] ~~certification~~ <--
9 standards AS PART OF THE HIRING OR SELECTION PROCESS FOR
10 EMPLOYEES OR VOLUNTEERS.

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

12 [(1) Any person who has obtained the information
13 required under this chapter may transfer or provide services
14 to another subsidiary or branch established and supervised by
15 the same organization, or serve in a volunteer capacity for
16 any program, service or activity, during the length of time
17 the person's certification is current pursuant to section
18 6344.4 (relating to certification compliance).

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

24 (1) If an individual's ~~certification is~~ CERTIFICATIONS <--
25 ARE current under section 6344.4 (relating to
26 recertification) and the individual completes an affirmation
27 under paragraph (2), the individual may use the ~~certification~~ <--
28 CERTIFICATIONS as follows:

29 (i) to apply for employment as identified in section
30 6344 (relating to employees having contact with children;

1 adoptive and foster parents);
2 (ii) to serve as an employee as identified in
3 section 6344;
4 (iii) to apply as a volunteer under section 6344.2
5 (relating to volunteers having contact with children);
6 and
7 (iv) to serve as a volunteer under section 6344.2.

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

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

25 (4) THIS SUBSECTION SHALL APPLY TO DRIVERS OF <--
26 INDEPENDENT SCHOOL BUS CONTRACTORS.

27 ~~(4)~~ (5) Nothing in this section shall be construed to <--
28 prohibit an employer or organization from requiring
29 additional information as part of the certification process
30 for employees or volunteers.

1 * * *

2 § 6344.4. [Certification compliance] Recertification.

3 New certifications shall be obtained in accordance with the
4 following:

5 (1) Effective December 31, 2014:

6 (i) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (V), A <--
7 person identified in section 6344 (relating to employees
8 having contact with children; adoptive and foster
9 parents) shall be required to obtain the certifications
10 required by this chapter every 36 months.

11 (ii) School employees identified in section
12 6344(a.1)(1) shall be required to obtain reports under
13 section 111 of the act of March 10, 1949 (P.L.30, No.14),
14 known as the Public School Code of 1949, and under
15 section 6344(b)(2) every 36 months.

16 (iii) Any person identified in section 6344 with a
17 current certification issued prior to the effective date
18 of this section shall be required to obtain the
19 certifications required by this chapter within 36 months
20 from the date of [their most recent] the person's oldest
21 certification or, if the current certification is older
22 than 36 months, within one year of the effective date of
23 this section.

24 (iv) A person identified in section 6344 without a
25 certification or who was previously not required to have
26 a certification shall be required to obtain the
27 certifications required by this chapter no later than
28 December 31, 2015.

29 (V) AN EMPLOYEE IDENTIFIED UNDER SECTION 6344 WHO <--
30 HAS COMPLETED A CERTIFICATION OR RECERTIFICATION UNDER

1 THIS SECTION, IN WHICH A REPORT OF FEDERAL CRIMINAL
2 HISTORY RECORD INFORMATION UNDER SECTION 6344(B) (3) WAS
3 REQUIRED AND COMPLETED, SHALL BE REQUIRED TO OBTAIN A
4 SUBSEQUENT REPORT UNDER SECTION 6344(B) (3) EVERY 60
5 MONTHS.

6 (2) (i) Effective July 1, 2015, a person identified in
7 section 6344.2 (relating to volunteers having contact
8 with children) shall be required to obtain the
9 certifications required by this chapter every 36
10 months[.] from the date of the person's most recent
11 certification or, if the current certification is older
12 than 36 months, within one year of the effective date of
13 this section.

14 (ii) A person identified under section 6344.2
15 without a certification or who was previously not
16 required to have a certification shall be required to
17 obtain the certifications required by this chapter no
18 later than July 1, 2016.

19 (3) For renewals of certification required under this
20 chapter, the date for required renewal under this section
21 shall be from the date of the oldest certification under
22 section 6344(b).

23 SECTION 9. SECTION 6383(C) (1), (2) AND (3) OF TITLE 23 ARE <--
24 AMENDED TO READ:

25 § 6383. EDUCATION AND TRAINING.

26 * * *

27 (C) TRAINING OF PERSONS SUBJECT TO DEPARTMENT REGULATION.--

28 (1) THE FOLLOWING PERSONS SHALL BE REQUIRED TO MEET THE
29 CHILD ABUSE RECOGNITION AND REPORTING TRAINING REQUIREMENTS
30 OF THIS SUBSECTION:

1 (I) OPERATORS OF INSTITUTIONS, FACILITIES OR
2 AGENCIES WHICH CARE FOR CHILDREN AND ARE SUBJECT TO
3 SUPERVISION BY THE DEPARTMENT UNDER ARTICLE IX OF THE
4 PUBLIC WELFARE CODE, AND THEIR EMPLOYEES WHO HAVE DIRECT
5 CONTACT WITH CHILDREN.

6 (II) FOSTER PARENTS.

7 (III) OPERATORS OF FACILITIES AND AGENCIES WHICH
8 CARE FOR CHILDREN AND ARE SUBJECT TO LICENSURE BY THE
9 DEPARTMENT UNDER ARTICLE X OF THE PUBLIC WELFARE CODE AND
10 THEIR EMPLOYEES WHO HAVE DIRECT CONTACT WITH CHILDREN.

11 (IV) CAREGIVERS IN FAMILY [DAY CARE] CHILD-CARE
12 HOMES WHICH ARE SUBJECT TO [REGISTRATION] LICENSURE BY
13 THE DEPARTMENT UNDER [SUBARTICLE (C) OF] ARTICLE X OF THE
14 PUBLIC WELFARE CODE AND THEIR EMPLOYEES WHO HAVE DIRECT
15 CONTACT WITH CHILDREN.

16 (V) THE ADULT HOUSEHOLD MEMBER WHO IS A PERSON
17 RESPONSIBLE FOR THE CHILD'S WELFARE AND IS PROVIDING
18 SERVICES TO A CHILD IN A FAMILY LIVING HOME, A COMMUNITY
19 HOMES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR
20 A HOST HOME WHICH ARE SUBJECT TO LICENSURE BY THE
21 DEPARTMENT UNDER ARTICLES IX AND X OF THE PUBLIC WELFARE
22 CODE.

23 (2) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
24 SUBSECTION, OPERATORS AND CAREGIVERS SHALL RECEIVE THREE
25 HOURS OF TRAINING PRIOR TO THE ISSUANCE OF A LICENSE[,] OR
26 APPROVAL [OR REGISTRATION] CERTIFICATE AND THREE HOURS OF
27 TRAINING EVERY FIVE YEARS THEREAFTER.

28 (3) EMPLOYEES WHO HAVE DIRECT CONTACT WITH CHILDREN AND
29 FOSTER PARENTS SHALL RECEIVE THREE HOURS OF TRAINING WITHIN
30 SIX MONTHS OF THE ISSUANCE OF A LICENSE[,] OR APPROVAL [OR

1 REGISTRATION] CERTIFICATE AND THREE HOURS OF TRAINING EVERY
2 FIVE YEARS THEREAFTER. NEW EMPLOYEES AND NEW FOSTER PARENTS
3 SHALL RECEIVE THREE HOURS OF TRAINING WITHIN 90 DAYS OF HIRE
4 OR APPROVAL AS A FOSTER PARENT AND THREE HOURS OF TRAINING
5 EVERY FIVE YEARS THEREAFTER.

6 * * *

7 Section 7 10. Section 6386(a) of Title 23 is amended to <--
8 read:

9 § 6386. Mandatory reporting of children under one year of age.

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

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

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

19 (i) under the care of a prescribing medical
20 professional; and

21 (ii) in compliance with the directions for the
22 administration of a prescription drug as directed by the
23 prescribing medical professional.

24 (3) A Fetal Alcohol Spectrum Disorder.

25 * * *

26 Section 8 11. This act shall take effect immediately. <--