



# Senate Public Health and Welfare Committee

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## Summary HB 435 PN 2010

This legislation amends Title 23, Domestic Relations, regarding child protective services by: expanding the definition of child care services, enhancing background clearance requirements, subjecting volunteers to criminal history checks, and creating two new categories of employment prohibitions.

For the purposes of consistency and uniformity in background clearances, House Bill 435 adds school employees to the Child Protective Services Act. School employees are also addressed in the Public School Code for purposes of the state police and FBI clearances. In addition, it increases the age, from 14 to 18, for those required to get a background check if they reside with a prospective foster parent. This change aligns with the treatment of adoptive parents and other situations in which a clearance is required.

A strict time frame of 48 hours is established for the written self-reporting by a foster parent convicted of any activity prohibiting employment under this act or if named as a perpetrator in a founded or indicated report of child abuse. Employees and volunteer are required to report, in writing, within 72 hours after arrest, conviction or listing on the statewide central register. Volunteers will be responsible for submitting state police and department clearances. FBI clearances will only be required if the prospective volunteer has not been a resident of the state for the previous ten years. An organization, at its discretion, may still require the clearance. In addition, should an employer suspect a violation under this act and the volunteer or employee fail to self-report, new clearances may be requested by the employer. Willful failure to self-report shall be a third degree misdemeanor.

Additional offenses are added to the permanent employment ban section and temporary bans of ten and five years are created for other offenses. Drug offenses are moved from the permanent ban to the ten year ban section. The ten year ban covers any felony offenses where the victim is a child. The five year ban covers first degree misdemeanors where the victim is a child and child abuse not considered to be sexual in nature.

Individuals obtaining clearances may use those same clearances if they are transferring to a subsidiary or branch within the same organization. Time frames are established for the department to respond to expedited certification requests (14 days) and standard certification requests (28 days). New certifications shall be required every 24 months.

### **Effective Date**

This act shall take effect in 60 days.

## **Amendment A09887**

This amendment is largely technical and clarifying in nature in order to align HB435 with the portions of the child protection package already passed by the legislature this session.

It does stagger the dates that individuals must receive clearances so the system is not overwhelmed. Employees are required to comply with the certification requirements by December 31, 2014 and volunteers by July 1, 2015. A further phase in is permitted for those who already have valid clearances. These individuals are required to secure new certifications within 36 months from the date of their most recent certification or within one year if their current certification is older than 36 months. Certifications are required every 36 months thereafter.

A section is added providing for provisional clearances to address the Little League World Series. These volunteers may rely on valid clearances received in their state or foreign nation for a period not to exceed 30 days.

In lieu of the new categories of employment bans, the Department of Human Services, in conjunction with the Department of Education and the Pennsylvania Commission on Crime and Delinquency is directed to conduct a study and make recommendations on what these bans should entail for those having contact with children. The recommendations shall include a review of permanent and temporary bans including an appeals process. The report shall be submitted no later than December 31, 2015 to the designated chairs in the House and Senate.

The amendment also changes the self-reporting requirements for foster parents to within 72 hours to mirror that of employees and volunteers and enhances confidentiality protections in sections 6399 and 6340.

### **Effective Date**

The effective date is changed to December 31, 2014 with the sections pertaining to the report and effective date being effective immediately.