

No. 2014-153

AN ACT

HB 435

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for persons required to report suspected child abuse, for reporting procedure, for confidentiality of reports, for release of information in confidential reports, for information relating to prospective child-care personnel, for information relating to family day-care home residents and for information relating to other persons having contact with children; providing for continued employment or participation in program, activity or service and for certification compliance; making a conforming amendment to Title 42; providing for a study on employment bans for those having contact with children; and making editorial changes.

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

Section 1. Section 2530(b)(2) of Title 23 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2530. Home study and preplacement report.

* * *

(b) Preplacement report.—A preplacement report shall be prepared by the agency or person conducting the home study.

* * *

(2) The preplacement report shall be based upon a study which shall include an investigation of the home environment, family life, parenting skills, age, physical and mental health, social, cultural and religious background, facilities and resources of the adoptive parents and their ability to manage their resources. The preplacement report shall also include the information required by section 6344(b) (relating to **[information relating to prospective child-care personnel] employees having contact with children; adoptive and foster parents**).

* * *

Section 2. Paragraph (13) of the definition of "child-care services" and the definitions of "child protective services," "cooperation with an investigation or assessment," "county agency," "department," "indicated report," "protective services," "recent act," "recent act or failure to act," "secretary" and "subject of the report" in section 6303(a) of Title 23, amended April 7, 2014 (P.L.388, No.29) and May 14, 2014 (P.L.653, No.45), are amended to read:

§ 6303. Definitions.

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

* * *

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

* * *

(13) Other child-care services that are provided by or subject to approval, licensure, registration or certification by the **[Department of Public Welfare] department** or a county social services agency or that are provided pursuant to a contract with the **[Department of Public Welfare] department** or a county social services agency.

"Child protective services." Those services and activities provided by the **[Department of Public Welfare] department** and each county agency for child abuse cases.

* * *

"Cooperation with an investigation or assessment." Includes, but is not limited to, a school or school district which permits authorized personnel from the **[Department of Public Welfare] department** or county agency to interview a student while the student is in attendance at school.

"County agency." The county children and youth social service agency established pursuant to section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the **[Department of Public Welfare] department** under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"Department." The Department of **[Public Welfare] Human Services** of the Commonwealth.

* * *

"Indicated report."

(1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an investigation by the **[Department of Public Welfare] department** or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following:

- (i) Available medical evidence.
- (ii) The child protective service investigation.
- (iii) An admission of the acts of abuse by the perpetrator.

(2) A report may be indicated under paragraph (1)(i) or (ii) for any child who is the victim of child abuse, regardless of the number of alleged perpetrators.

(3) A report may be indicated under paragraph (1)(i) or (ii) listing the perpetrator as "unknown" if substantial evidence of abuse by a perpetrator exists, but the department or county agency is unable to identify the specific perpetrator.

* * *

"Protective services." Those services and activities provided by the **[Department of Public Welfare] department** and each county agency for children who are abused or are alleged to be in need of protection under this chapter.

"Recent act." Any act committed within two years of the date of the report to the **[Department of Public Welfare] department** or county agency.

"Recent act or failure to act." Any act or failure to act committed within two years of the date of the report to the **[Department of Public Welfare] department** or county agency.

* * *

"Secretary." The Secretary of **[Public Welfare] Human Services** of the Commonwealth.

* * *

"Subject of the report." Any child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator in a report made to the **[Department of Public Welfare] department** or a county agency under this chapter.

* * *

Section 3. Section 6311(b)(1) introductory paragraph of Title 23, amended April 15, 2014 (P.L.414, No.32) and April 15, 2014 (P.L.417, No.33), is amended and subsection (a) is amended by adding a paragraph to read:

§ 6311. Persons required to report suspected child abuse.

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

* * *

(15) A foster parent.

(b) Basis to report.—

(1) A mandated reporter enumerated in subsection (a) shall make a report of suspected child abuse **[or cause a report to be made]** in accordance with section 6313 (relating to reporting procedure), if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

* * *

Section 4. Section 6313 of Title 23 is amended by adding a subsection to read:

§ 6313. Reporting procedure.

* * *

(e) Applicability of Mental Health Procedures Act.—Notwithstanding any other provision of law, a mandated reporter enumerated under section 6311 (relating to persons required to report suspected child abuse) who makes a report of suspected child abuse pursuant to this section or who makes a report of a crime against a child to law enforcement officials shall not be in violation of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, by releasing information necessary to complete the report.

Section 5. Section 6335(e) introductory paragraph of Title 23, amended April 7, 2014 (P.L.388, No.29), is amended to read:

§ 6335. Access to information in Statewide database.

* * *

(e) Clearances.—Information provided in response to inquiries under section 6344 (relating to **[information relating to prospective child-care personnel] employees having contact with children; adoptive and foster parents**), 6344.1 (relating to information relating to **[family] certified or registered** day-care home residents) or 6344.2 (relating to **[information relating to other persons] volunteers** having contact with children) shall

not include unfounded reports of child abuse or reports related to general protective services and shall be limited to the following:

* * *

Section 6. Section 6338.1(a)(2) of Title 23 is amended to read:

§ 6338.1. Expunction of information of perpetrator who was under 18 years of age when child abuse was committed.

(a) General rule.—The name of a perpetrator who is the subject of an indicated report of child abuse and who was under 18 years of age when the individual committed child abuse shall be expunged from the Statewide database when the individual reaches 21 years of age or when five years have elapsed since the perpetrator's name was added to the database, whichever is later, if the individual meets all of the following:

* * *

(2) The individual has never been convicted or adjudicated delinquent following a determination by the court that the individual committed an offense under section 6344(c) (relating to **[information relating to prospective child-care personnel] employees having contact with children; adoptive and foster parents**), and no proceeding is pending seeking such conviction or adjudication.

* * *

Section 7. Sections 6339 and 6340(a)(9)(i) and (c) of Title 23, amended April 7, 2014 (P.L.388, No.29), are amended to read:

§ 6339. Confidentiality of reports.

Except as otherwise provided in this subchapter *or by the Pennsylvania Rules of Juvenile Court Procedure*, reports made pursuant to this chapter, including, but not limited to, report summaries of child abuse and reports made pursuant to section 6313 (relating to reporting procedure) as well as any other information obtained, reports written or photographs or X-rays taken concerning alleged instances of child abuse in the possession of the department or a county agency shall be confidential.

§ 6340. Release of information in confidential reports.

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

* * *

(9) Law enforcement officials of any jurisdiction, as long as the information is relevant in the course of investigating cases of:

(i) Homicide or other criminal offense set forth in section 6344(c) (relating to **[information relating to prospective child-care personnel] employees having contact with children; adoptive and foster parents**), sexual abuse or exploitation, bodily injury or serious bodily injury caused by a perpetrator or nonperpetrator.

* * *

(c) Protecting identity.—Except for reports under subsection (a)(9) and (10) and in response to a law enforcement official investigating allegations of false reports under 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse), the release of data *by the department, county, institution, school, facility or agency or designated agent of the person in charge* that would identify the person who made a report of suspected child abuse or who

cooperated in a subsequent investigation is prohibited [unless the department finds that the release will not be detrimental to the safety of the person]. Law enforcement officials shall treat all reporting sources as confidential informants.

* * *

Section 8. Section 6344 heading, (a), (b), (c)(3), (d)(3), (4), (5) and (6), (k), (l), (m), (n) and (p) of Title 23, amended May 14, 2014 (P.L.653, No.45), are amended, subsection (d) is amended by adding a paragraph and the section is amended by adding subsections to read:

§ 6344. [Information relating to prospective child-care personnel] *Employees having contact with children; adoptive and foster parents.*

(a) Applicability.—[This section applies to all prospective employees of child-care services, prospective foster parents, prospective adoptive parents, prospective self-employed family day-care providers and other persons seeking to provide child-care services under contract with a child-care facility or program. This section also applies to individuals 14 years of age or older who reside in the home of a prospective foster parent for at least 30 days in a calendar year or who reside in the home of a prospective adoptive parent for at least 30 days in a calendar year. This section does not apply to administrative or other support personnel unless their duties will involve direct contact with children.] *Beginning December 31, 2014, this section applies to the following individuals:*

- (1) *An employee of child-care services.*
- (2) *A foster parent.*
- (3) *A prospective adoptive parent.*
- (4) *A self-employed family day-care provider.*
- (5) *An individual 14 years of age or older applying for a paid position as an employee responsible for the welfare of a child or having direct contact with children.*
- (6) *Any individual seeking to provide child-care services under contract with a child-care facility or program.*
- (7) *An individual 18 years of age or older who resides in the home of a foster parent for at least 30 days in a calendar year or who resides in the home of a prospective adoptive parent for at least 30 days in a calendar year.*

(a.1) *School employees.—This section shall apply to school employees as follows:*

- (1) *School employees governed by the provisions of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall be subject to the provisions of section 111 of the Public School Code of 1949, except that this section shall apply with regard to the information required under subsection (b)(2).*
- (2) *School employees not governed by the provisions of the Public School Code of 1949 shall be governed by this section.*

(b) Information to be submitted.—An individual identified in subsection [(a)(6) (a)(7)] at the time the individual meets the description set forth in subsection [(a)(6) (a)(7)] and an individual [applying to serve in any capacity] identified in subsection (a)(1), (2), (3), (4) [or], (5) or (6) or (a.1)

prior to the commencement of employment or service shall be required to submit the following information **[obtained within the preceding one-year period:] to an employer, administrator, supervisor or other person responsible for employment decisions or involved in the selection of volunteers:**

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

(2) A certification from the department as to whether the applicant is named in the Statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report **[of child abuse]** or an indicated report **[of child abuse]**.

(3) A report of Federal criminal history record information. The applicant shall submit a full set of fingerprints **[in a manner prescribed by the department. The Commonwealth shall submit the fingerprints to the Federal Bureau of Investigation in order to obtain a report of Federal criminal history record information and serve as intermediary for the purposes of this section.] to the Pennsylvania State Police for the purpose of a record check, and the Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.**

[For the purposes of this subsection, an applicant may submit a copy of the information required under paragraphs (1) and (2) with an application for employment. Administrators shall maintain a copy of the required information and shall require applicants to produce the original document prior to employment.]

(b.1) Required documentation to be maintained and produced.—The employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity identified in subsection (a)(1), (2), (3), (4), (5) or (6) or (a.1) shall maintain a copy of the required information and require the individual to produce the original document prior to employment or acceptance to serve in any such capacity, except as allowed under subsection (m).

(b.2) Investigation.—An employer, administrator, supervisor or other person responsible for employment decisions shall require an applicant to submit the required documentation set forth in this chapter. An employer, administrator, supervisor or other person responsible for employment decisions that intentionally fails to require an applicant to submit the required documentation before the applicant's hiring commits a misdemeanor of the third degree.

(c) Grounds for denying employment or participation in program, activity or service.—

* * *

(3) In no case shall an **[administrator]** *employer, administrator, supervisor or other person responsible for employment decisions* hire or approve an applicant if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding verification under this section.

(c.1) Dismissal.—If the information obtained pursuant to subsection (b) reveals that the applicant is disqualified from employment or approval pursuant to subsection (c), the applicant shall be immediately dismissed from employment or approval.

(d) Prospective adoptive or foster parents.—With regard to prospective adoptive or prospective foster parents, the following shall apply:

* * *

[(3) Foster parents and any individual over 18 years of age residing in the home shall be required to submit the information set forth in subsection (b) every 24 months following approval for review by the foster family care agency in accordance with subsection (c).

(4) Foster parents shall be required to report, within 48 hours, any change in information required pursuant to subsection (b) about themselves and any individuals over the age of 18 years residing in the home for review by the foster family care agency in accordance with subsection (c).]

(4.1) If a foster parent is arrested for or convicted of an offense that would constitute grounds for denying approval under this chapter or is named as a perpetrator in a founded or indicated report, the foster parent shall provide the foster family care agency with written notice not later than 72 hours after the arrest, conviction or notification that the foster parent was named as a perpetrator in the Statewide database.

(5) Foster parents shall be required to report any other change in the foster family household composition within 30 days of the change for review by the foster family care agency. If any individual over 18 years of age, who has resided outside this Commonwealth at any time within the previous five-year period, begins residing in the home of an approved foster family, that individual shall, within 30 days of beginning residence, submit to the foster family care agency a certification obtained **[within the previous one-year period]** from the Statewide **[central registry]** *database*, or its equivalent in each state in which the person has resided within the previous five-year period, as to whether the person is named as a perpetrator **[of child abuse]**. If the certification shows that the person is named as a perpetrator **[of child abuse]** within the previous five-year period, the foster family care agency shall forward the certification to the department for review. If the department determines that the person is named as the equivalent of a perpetrator of a founded report **[of child abuse]** within the previous five-year period and the person does not cease residing in the home immediately, the **[foster child or children shall immediately be removed from the home without a hearing.]** *county agency shall immediately seek court authorization to remove the foster child or children from the home. In emergency situations when a judge*

cannot be reached, the county agency shall proceed in accordance with the Pennsylvania Rules of Juvenile Court Procedure.

(6) In cases where foster parents knowingly fail to submit the material information required in paragraphs [(3), (4)] (4.1) and (5) *and section 6344.4 (relating to certification compliance)* such that it would disqualify them as foster parents, the [child shall immediately be removed from the home without a hearing.] *county agency shall immediately seek court authorization to remove the foster child or children from the home. In emergency situations when a judge cannot be reached, the county agency shall proceed in accordance with the Pennsylvania Rules of Juvenile Court Procedure.*

* * *

(k) Existing or transferred employees.—A person employed in child-care services on July 1, 2008, shall not be required to obtain the information required in subsection (b) as a condition of continued employment. A person who has once obtained the information required under subsection (b) may transfer to another child-care service established and supervised by the same organization and shall not be required to obtain additional reports before making the transfer.

(l) Temporary employees under special programs.—The requirements of this section do not apply to employees of child-care services who meet all the following requirements:

(1) They are under 21 years of age.

(2) They are employed for periods of 90 days or less.

(3) They are a part of a job development or job training program funded, in whole or in part, by public or private sources.

Once employment of a person who meets these conditions extends beyond 90 days, all requirements of this section shall take effect.]

(m) Provisional employees for limited periods.—Notwithstanding subsection (b), [administrators] *employers, administrators, supervisors or other persons responsible for employment decisions* may employ applicants on a provisional basis for a single period not to exceed [30 days or, for out-of-State applicants, a period of] 90 days, if all of the following conditions are met:

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

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

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

(4) If the information obtained pursuant to subsection (b) reveals that the applicant is disqualified from employment pursuant to subsection (c), the applicant shall be immediately dismissed by the **[administrator] employer, administrator, supervisor or other person responsible for employment decisions**.

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

(n) Confidentiality.—The information provided and compiled under this section, including, but not limited to, the names, addresses and telephone numbers of applicants and foster and adoptive parents, shall be confidential and shall not be subject to the act of **[June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law] February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law**. This information shall not be released except as permitted by the department through regulation.

* * *

(p) Use of information.—A prospective adoptive parent may not be approved if the prospective adoptive parent or an individual **[14] 18** years of age or older who resides for at least 30 days in a calendar year with the prospective adoptive parent meets either of the following:

(1) Is named in the Statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

(2) Has been found guilty of an offense listed in subsection (c).

Section 9. Section 6344.1 heading and (a), (b) and (c) of Title 23, amended April 7, 2014 (P.L.388, No.29) and May 14, 2014 (P.L.653, No.45), are amended to read:

§ 6344.1. Information relating to **[family] certified or registered** day-care home residents.

(a) General rule.—In addition to the requirements of section 6344 (relating to **[information relating to prospective child-care personnel] employees having contact with children; adoptive and foster parents**), an individual who applies to the department for a **certificate of compliance or a registration certificate to [operate a family day-care home] provide child day care in a residence** shall include criminal history record and child abuse record information required under section 6344(b) for every individual 18 years of age or older who resides in the home for at least 30 days in a calendar year.

(b) Required information.—Child abuse record information required under subsection (a) shall include certification by the department as to whether the applicant is named in the Statewide database as the perpetrator of a founded report or an indicated report **[of child abuse]**.

(c) Effect on **certification or registration**.—The department shall refuse to issue or renew a **certificate of compliance or registration certificate** or shall revoke a **certificate of compliance or registration certificate** if the **[family] day-care home provider or individual 18 years of age or older who has resided in the home for at least 30 days in a calendar year**:

(1) is named in the Statewide database [on child abuse established under Chapter 63 (relating to child protective services)] as the perpetrator of a founded report committed within the immediately preceding five-year period; or

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

* * *

Section 10. Section 6344.2 of Title 23, amended May 14, 2014 (P.L.653, No.45), is amended to read:

§ 6344.2. [Information relating to other persons] *Volunteers* having contact with children.

(a) Applicability.—[This section applies to prospective employees applying to engage in occupations with a significant likelihood of regular contact with children, in the form of care, guidance, supervision or training. Such persons include social service workers, hospital personnel, mental health professionals, members of the clergy, counselors, librarians and doctors.] *This section applies to an adult applying for an unpaid position as a volunteer responsible for the welfare of a child or having direct contact with children.*

[(a.1) School employees.—This section shall apply to school employees as follows:

(1) School employees governed by the provisions of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall be subject to the provisions of section 111 of the Public School Code of 1949, except that this section shall apply with regard to the information required under section 6344(b)(2) (relating to information relating to prospective child-care personnel).

(2) School employees not governed by the provisions of the Public School Code of 1949 shall be governed by this section.]

(b) Investigation.—Employers, administrators [or], supervisors or other persons responsible for [employment decisions or] selection of volunteers shall require an applicant to submit to all requirements set forth in section 6344(b) (*relating to employees having contact with children; adoptive and foster parents*) except as provided in subsection (b.1). An employer, administrator, supervisor or other person responsible for [employment decisions or] selection of volunteers regarding an applicable prospective [employee or] volunteer under this section that intentionally fails to require the submissions before hiring that individual commits a misdemeanor of the third degree.

(b.1) Exception.—

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

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

(ii) *The prospective volunteer has been a resident of this Commonwealth during the entirety of the previous ten-year period.*

(iii) *The prospective volunteer swears or affirms in writing that the prospective volunteer is not disqualified from service pursuant to*

section 6344(c) or has not been convicted of an offense similar in nature to those crimes listed in section 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

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

(c) Grounds for denial.—Each [applicant] *prospective volunteer* shall be subject to the requirements of section 6344(c).

(d) Departmental treatment of information.—Information provided and compiled under this section by the department shall be confidential and shall not be subject to the act of [June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law] *February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law*. This information shall not be released except as permitted by the department through regulation. The department may charge a fee to conduct a certification as required by section 6344(b)(2) in accordance with the provisions of section 6344(h). The department shall promulgate regulations necessary to carry out this subsection.

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

(f) Provisional clearances for volunteers.—Employers, administrators, supervisors or other persons responsible for selection of volunteers may allow a volunteer to serve on a provisional basis for a single period not to exceed 30 days if the volunteer is in compliance with the clearance standards under the law of the jurisdiction where the volunteer is domiciled.

Section 11. Title 23 is amended by adding sections to read:

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

(a) (Reserved).

(b) (Reserved).

(c) (Reserved).

(d) (Reserved).

(e) Noninterference with decisions.—Nothing in this chapter shall be construed to otherwise interfere with the ability of an employer or program, activity or service to make employment, discipline or termination decisions or establishing additional clearance standards.

(f) Transfer.—

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

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

(g) Written notice of new arrest, conviction or substantiated child abuse.—

(1) If an employee or volunteer subject to section 6344 (relating to employees having contact with children; adoptive and foster parents) or 6344.2 (relating to volunteers having contact with children) is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service under this chapter, or is named as a perpetrator in a founded or indicated report, the employee or volunteer shall provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the Statewide database.

(2) If the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that an employee or volunteer was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under this chapter, or was named as a perpetrator in a founded or indicated report, or the employee or volunteer has provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require the employee or volunteer to submit current information as required under subsection 6344(b). The cost of the information set forth in subsection 6344(b) shall be borne by the employing entity or program, activity or service.

(h) Effect of noncompliance.—An employee or volunteer who willfully fails to disclose information required by subsection (g)(1) commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment or volunteer position.

§ 6344.4. Certification compliance.

New certifications shall be obtained in accordance with the following:

(1) Effective December 31, 2014:

(i) A person identified in section 6344 (relating to employees having contact with children; adoptive and foster parents) shall be required to obtain the certifications required by this chapter every 36 months.

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

(iii) Any person identified in section 6344 with a current certification issued prior to the effective date of this section shall be required to obtain the certifications required by this chapter within 36 months from the date of their most recent certification or, if the current certification is older than 36 months, within one year of the effective date of this section.

(2) Effective July 1, 2015, a person identified in section 6344.2 (relating to volunteers having contact with children) shall be required to obtain the certifications required by this chapter every 36 months.

Section 12. Section 6349(c) of Title 23 is amended to read:

§ 6349. Penalties.

* * *

(c) Noncompliance with child-care personnel regulations.—An administrator, or other person responsible for employment decisions in a child-care facility or program, who willfully fails to comply with the provisions of section 6344 (relating to **information relating to prospective child-care personnel employees having contact with children; adoptive and foster parents**) commits a violation of this chapter and shall be subject to a civil penalty as provided in this subsection. The department shall have jurisdiction to determine violations of section 6344 and may, following a hearing, assess a civil penalty not to exceed \$2,500. The civil penalty shall be payable to the Commonwealth.

Section 13. Section 6383(a.2)(3) of Title 23, added April 15, 2014 (P.L.417, No.33), is amended to read:

§ 6383. Education and training.

* * *

(a.2) Information for mandated and permissive reporters.—

* * *

(3) The department shall include the following with all certifications provided pursuant to section 6344(b)(2) (relating to **information relating to prospective child-care personnel employees having contact with children; adoptive and foster parents**):

(i) Information that certain persons are required by law to report suspected child abuse.

(ii) The Internet address where the information and guidance required by this subsection can be obtained.

(iii) A telephone number and mailing address where guidance materials can be requested by individuals who cannot access the department's Internet website.

* * *

Section 14. Section 6351.1(a) of Title 42 is amended to read:

§ 6351.1. Authority of court upon petition to remove child from foster parent.

(a) Order required.—Notwithstanding sections 6324 (relating to taking into custody) and 6351(a) (relating to disposition of dependent child), if a county agency petitions the court for removal of a child because the foster parent has been convicted of an offense set forth in 23 Pa.C.S. § 6344(c) (relating to **information relating to prospective child-care personnel employees having contact with children; adoptive and foster parents**), the court shall immediately enter an order removing the child from the foster parent.

* * *

Section 15. The Department of Human Services, in conjunction with the Department of Education and the Pennsylvania Commission on Crime and

Delinquency, shall conduct a study to analyze and make recommendations on employment bans for those having contact with children in this Commonwealth. The following apply:

- (1) The study shall include recommendations on all of the following:
 - (i) Changes in permanent and temporary employment bans, which realign and make uniform the provisions of section 111 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, and 23 Pa.C.S. Ch. 63 with regard to employment bans, including the offenses relating to the welfare of a child to be included in any ban.

- (ii) An appeals process.

- (2) The Department of Human Services shall, by December 31, 2015, report the study's findings and recommendations to:

- (i) The chairman and minority chairman of the Aging and Youth Committee of the Senate.

- (ii) The chairman and minority chairman of the Public Health and Welfare Committee of the Senate.

- (iii) The chairman and minority chairman of the Children and Youth Committee of the House of Representatives.

- (iv) The chairman and minority chairman of the Health Committee of the House of Representatives.

Section 16. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:

- (i) Section 15 of this act.

- (ii) This section.

- (2) The remainder of this act shall take effect December 31, 2014.

APPROVED—The 22nd day of October, A.D. 2014

TOM CORBETT