

No. 1984-244

AN ACT

SB 1505

Amending the act of November 26, 1975 (P.L.438, No.124), entitled, as amended, "An act establishing child protective services; providing procedures for reporting and investigating the abuse of children; establishing and providing access to a Statewide central register and pending complaint file on child abuse; investigating such reports; providing for taking protective action including taking a child into protective custody; placing duties on the Department of Public Welfare and county children and youth social service agencies; establishing child protective services in each county children and youth social service agency; and providing penalties," adding a definition; authorizing the department to verify the existence of certain records; and requiring child care facilities to obtain certain records before hiring new employees.

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

Section 1. Section 3 of the act of November 26, 1975 (P.L.438, No.124), known as the Child Protective Services Law, is amended by adding a definition to read:

Section 3. Definitions.—As used in this act:

* * *

"Child care" means services which provide protection for and promote the safety and welfare of children pursuant to this act. The services shall include, but not be limited to, those services which are provided by child day care centers, foster homes, boarding homes, juvenile detention centers and public and private schools; other services or programs for delinquent or dependent children; and any other services provided to children which are subject to approval, licensure or certification by the department or by a county social service agency or which are provided pursuant to a contract with the department or with a county social service agency.

* * *

Section 2. The act is amended by adding a section to read:

Section 14.1. Verification of Existence of Certain Records Regarding Child Care Employee Applicants.—(a) Prior to employing a person in a child care program, the administrator of the program shall:

(1) obtain a report of criminal history record information regarding the person from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch.91 (relating to criminal history record information) or a statement that no such information exists; and

(2) submit a written request to the department for verification of the existence or nonexistence of a founded or indicated report regarding the person and the date or dates of such reports. The request to the department shall include a copy of the employment application of the person which shall include a statement by which the person authorizes the verification request.

(b) Upon receipt of the request pursuant to subsection (a)(2), the department shall verify, in writing, the existence or nonexistence of a founded or indicated report regarding the person and the date or dates thereof. The information shall be used for the sole purpose of determining the suitability of the person for employment in a child care program.

(c) The administrator of a child care facility commits a criminal offense, punishable by a fine not to exceed \$2,500, if he employs any person without first obtaining the information required under this section.

Section 3. This act shall take effect July 1, 1985.

APPROVED—The 26th day of December, A. D. 1984.

DICK THORNBURGH