

in a civil proceeding relating to the mental condition of any patient in his charge *or under his care* in such hospital *or institution*, the deposition of or sworn statement by such superintendent, manager or physician may be admissible in evidence as to the condition of the patient in lieu of the appearance and testimony of the superintendent, manager or physician in court or before a commission, unless by special order the court directs and requires the appearance and testimony in person of such superintendent, manager, or physician.

Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 9th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 494

AN ACT

Defining and providing for the licensing of child day care homes and centers; conferring powers and imposing duties on the Department of Public Welfare.

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

Child Day Care
License Act.

Section 1. Short Title.—This act shall be known, and may be cited, as the “Child Day Care License Act.”

Section 2. Definitions.—As used in this act—

(1) “Day Care” means care in lieu of parental care given regularly at least five days a week for part of the twenty-four hour day between six o’clock antemeridian and nine o’clock postmeridian to children under sixteen years of age away from their own homes.

(2) “Family Day Care Home” means any premises in which day care is regularly provided to not more than six children unrelated to the operator at any one time.

(3) “Day Care Center” means any premises in which day care is regularly provided for seven or more children unrelated to the operator at any one time.

(4) “Department” means the Department of Public Welfare of the Commonwealth.

Section 3. Maintenance Without License Prohibited.—No person, copartnership, association or corporation, except social agencies supervised by the department, shall maintain, operate or conduct any family day care home or day care center for children without having a license therefor issued by the department.

Section 4. Application for License.—Any person, copartnership, association or corporation, desiring to secure a license for maintaining, operating and conducting a family day care home or a day care center for children, shall make application therefor to the department upon forms to be prepared and furnished by the department. Application for renewal of licenses shall be made in the same manner and shall be subject to the same qualifications as applications for original licensure.

Section 5. Issuance of License.—The department, when satisfied that any applicant or applicants for such license and that the place proposed to be used as a family day care home or a day care center meet all the requirements of this act and the regulations of the department promulgated hereunder, shall issue such license without fee and shall keep a record thereof and of the application. No fee shall be charged for renewal of a license.

Section 6. Term and Contents of Licenses.—All licenses issued by the department shall be for a period of one year. The license shall state the name of the licensee or licensees, the particular premises to be used as a family day care home or day care center, and the maximum number of children who may be cared for therein at one time.

Section 7. Number of Children to be Kept; Posting License.—No greater number of children than is authorized by the license therefor shall be kept at any one time in any family day care home or day care center for children. The license shall, at all times, be posted in a conspicuous place on the premises wherein such day care for children is maintained.

Section 8. Right to Enter and Inspect the Premises.—Any employe or authorized agent of the department shall have the right to enter, visit and inspect all family day care homes and day care centers for children, licensed or requiring a license under this act, for the purpose of determining the suitability of the applicants and of the premises, or the continuing conformity of licensees to departmental regulations relating to this act.

Section 9. Records to be Kept by Licensees.—Such records shall be kept as are required by the regulations issued by the department under the authority of this act. The records shall be made available to the department upon request.

Section 10. Revocation of License.—Whenever the department finds that any family day care home or day care center for children, licensed under this act, does not conform to the regulations of the department relating to

this act, or fails to maintain records, or that the children therein have been subjected to mistreatment or abuse, it shall revoke the license of such family day care home or day care center, and shall note such upon the face of the record thereof, and shall give written notice of such revocation to the licensee or licensees by delivering the notice to him or them in person or by registered mail or by leaving it with an adult person residing on the licensed premises. Whenever any license is revoked by the department, the written notice of revocation shall specify the reason for such revocation.

Section 11. Department to Adopt Regulations.—The department is hereby authorized and empowered to adopt regulations not inconsistent with the provisions of this act for the issuance and renewal of such licenses, and for the proper maintenance, operation and conduct of such family day care homes or day care centers for children, and for the effective enforcement thereof. Such regulations shall be designed to insure safe and wholesome care for all children receiving day care.

Section 12. Penalties.—Any person who operates a family day care home or day care center for children without having obtained a license within thirty days after being notified by the department so to do, or who operates a family day care home or day care center for children after his license has been revoked, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1000), or undergo imprisonment not exceeding six months, or both.

Section 13. Effective Date.—This act shall take effect in six months.

APPROVED—The 9th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 495

AN ACT

Amending the act of June 11, 1879 (P. L. 147), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this commonwealth," increasing the compensation of certain coroner's jurors.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Coroner's jurors.