

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 432 Session of 2013

INTRODUCED BY GINGRICH, WATSON, AUMENT, MALONEY, MOUL, STEPHENS, YOUNGBLOOD, SCHLOSSBERG, HICKERNELL, MUNDY, ROCK, KORTZ, SACCONI, MAJOR, CUTLER, KAUFFMAN, O'NEILL, BAKER, SWANGER, COHEN, MILLER, FLECK, SAYLOR, C. HARRIS, CLYMER, MILNE, BENNINGHOFF, MURT, DENLINGER, EVERETT, GIBBONS AND QUINN, FEBRUARY 4, 2013

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 9, 2013

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in departmental powers and
4 duties as to SUPERVISION AND licensing, further providing for <--
5 definitions; and providing for child abuse recognition and
6 reporting training.

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

9 ~~Section 1. Section 1001 of the act of June 13, 1967 (P.L.31, <--~~
10 ~~No.21), known as the Public Welfare Code, is amended by adding~~
11 ~~definitions to read:~~

12 SECTION 1. SECTION 901 OF THE ACT OF JUNE 13, 1967 (P.L.31, <--
13 NO.21), KNOWN AS THE PUBLIC WELFARE CODE, IS AMENDED BY ADDING
14 DEFINITIONS TO READ:

15 SECTION 901. DEFINITIONS.--AS USED IN THIS ARTICLE--

16 "ABUSE" MEANS CONDUCT THAT FALLS UNDER THE PURVIEW AND
17 REPORTING REQUIREMENTS OF 23 PA.C.S. CH. 63 (RELATING TO CHILD

1 PROTECTIVE SERVICES) AND IS DIRECTED TOWARD OR AGAINST A CHILD  
2 UNDER EIGHTEEN YEARS OF AGE.

3 \* \* \*

4 "DIRECT CONTACT WITH CHILDREN" MEANS THE POSSIBILITY OF CARE,  
5 SUPERVISION, GUIDANCE OR CONTROL OF CHILDREN OR ROUTINE  
6 INTERACTION WITH CHILDREN.

7 \* \* \*

8 "OPERATOR" MEANS AN EXECUTIVE OR FACILITY DIRECTOR. THE TERM  
9 DOES NOT INCLUDE A PERSON WHO IS NOT INVOLVED IN MANAGERIAL  
10 DECISIONS RELATED TO THE PROVISION OF SERVICES FOR OR CARE OF  
11 CHILDREN WITH REGARD TO ANY OF THE FOLLOWING:

12 (1) PERSONNEL.

13 (2) POLICY AND PROCEDURES.

14 (3) REGULATORY COMPLIANCE.

15 (4) SERVICES RELATED TO THE GENERAL OR MEDICAL CARE OF  
16 CHILDREN.

17 (5) SUPERVISION OF CHILDREN.

18 (6) SAFETY OF CHILDREN.

19 \* \* \*

20 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

21 SECTION 917. CHILD ABUSE RECOGNITION AND REPORTING

22 TRAINING.--OPERATORS OF INSTITUTIONS, FACILITIES OR AGENCIES

23 WHICH CARE FOR CHILDREN AND ARE SUBJECT TO SUPERVISION BY THE

24 DEPARTMENT UNDER THIS ARTICLE AND THEIR EMPLOYEES WHO HAVE DIRECT

25 CONTACT WITH CHILDREN SHALL BE REQUIRED TO RECEIVE CHILD ABUSE

26 RECOGNITION AND REPORTING TRAINING. THE FOLLOWING SHALL APPLY:

27 (1) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION,

28 OPERATORS SHALL RECEIVE THREE HOURS OF TRAINING PRIOR TO THE

29 ISSUANCE OF A LICENSE OR APPROVAL AND THREE HOURS OF TRAINING

30 EVERY FIVE YEARS THEREAFTER.

1 (2) EMPLOYES WHO HAVE DIRECT CONTACT WITH CHILDREN AND  
2 FOSTER PARENTS SHALL RECEIVE THREE HOURS OF TRAINING WITHIN SIX  
3 MONTHS OF THE ISSUANCE OF A LICENSE OR APPROVAL AND THREE HOURS  
4 OF TRAINING EVERY FIVE YEARS THEREAFTER. NEW EMPLOYES AND NEW  
5 FOSTER PARENTS SHALL RECEIVE THREE HOURS OF TRAINING WITHIN  
6 NINETY DAYS OF HIRE AND THREE HOURS OF TRAINING EVERY FIVE YEARS  
7 THEREAFTER.

8 (3) TRAINING CURRICULUM SHALL BE APPROVED BY THE DEPARTMENT  
9 AND SHALL ADDRESS, BUT NOT BE LIMITED TO THE FOLLOWING:

10 (I) RECOGNITION OF THE SIGNS OF ABUSE AND REPORTING  
11 REQUIREMENTS FOR SUSPECTED ABUSE IN THIS COMMONWEALTH.

12 (II) THE FACILITY'S OR AGENCY'S POLICIES RELATED TO  
13 REPORTING OF SUSPECTED ABUSE.

14 SECTION 3. SECTION 1001 OF THE ACT IS AMENDED BY ADDING  
15 DEFINITIONS TO READ:

16 Section 1001. Definitions.--As used in this article--  
17 "Abuse" means conduct that falls under the purview and  
18 reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child  
19 protective services) and is directed toward or against a child  
20 under eighteen years of age.

21 \* \* \*

22 "Direct contact with children" means the possibility of care,  
23 supervision, guidance or control of children or routine  
24 interaction with children.

25 \* \* \*

26 "OPERATOR" MEANS AN EXECUTIVE OR FACILITY DIRECTOR. THE TERM <--  
27 DOES NOT INCLUDE A PERSON WHO IS NOT INVOLVED IN MANAGERIAL  
28 DECISIONS RELATED TO THE PROVISION OF SERVICES FOR OR CARE OF  
29 CHILDREN WITH REGARD TO ANY OF THE FOLLOWING:

30 (1) PERSONNEL.

- 1     (2) POLICY AND PROCEDURES.
- 2     (3) REGULATORY COMPLIANCE.
- 3     (4) SERVICES RELATED TO THE GENERAL OR MEDICAL CARE OF
- 4 CHILDREN.
- 5     (5) SUPERVISION OF CHILDREN.
- 6     (6) SAFETY OF CHILDREN.

7     \* \* \*

8     Section 2 4. The act is amended by adding a section to read: <--

9     ~~Section 1022. Child Abuse Recognition and Reporting~~ <--

10 ~~Training. Within one hundred eighty days of the effective date~~

11 ~~of this section, the department shall adopt regulations to~~

12 ~~require that operators of child day care centers and employes~~

13 ~~who have direct contact with children receive child abuse~~

14 ~~recognition and reporting training. The following shall apply:~~

15     ~~(1) Operators shall receive three hours of training prior to~~

16 ~~the issuance of a license and three hours of training every five~~

17 ~~years thereafter.~~

18     ~~(2) Employes who have direct contact with children shall~~

19 ~~receive three hours of training within ninety days of the date~~

20 ~~of hire and three hours of training every five years thereafter.~~

21     ~~(3) Training programs shall be approved by the department,~~

22 ~~and shall address, but not be limited to:~~

23     ~~(i) Recognition of the signs of abuse and reporting~~

24 ~~requirements for suspected abuse in this Commonwealth.~~

25     ~~(ii) The child day care center's policies related to~~

26 ~~reporting of suspected abuse.~~

27     SECTION 1022. CHILD ABUSE RECOGNITION AND REPORTING <--

28 TRAINING.--OPERATORS OF FACILITIES AND AGENCIES WHICH CARE FOR

29 CHILDREN AND ARE SUBJECT TO LICENSURE BY THE DEPARTMENT UNDER

30 THIS ARTICLE AND THEIR EMPLOYES WHO HAVE DIRECT CONTACT WITH

1 CHILDREN SHALL BE REQUIRED TO RECEIVE CHILD ABUSE RECOGNITION  
2 AND REPORTING TRAINING. THE FOLLOWING SHALL APPLY:

3 (1) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION,  
4 OPERATORS SHALL RECEIVE THREE HOURS OF TRAINING PRIOR TO THE  
5 ISSUANCE OF A LICENSE AND THREE HOURS OF TRAINING EVERY FIVE  
6 YEARS THEREAFTER.

7 (2) EMPLOYES WHO HAVE DIRECT CONTACT WITH CHILDREN SHALL  
8 RECEIVE THREE HOURS OF TRAINING WITHIN SIX MONTHS OF THE  
9 ISSUANCE OF A LICENSE AND THREE HOURS OF TRAINING EVERY FIVE  
10 YEARS THEREAFTER. NEW EMPLOYES SHALL RECEIVE THREE HOURS OF  
11 TRAINING WITHIN NINETY DAYS OF HIRE AND THREE HOURS OF TRAINING  
12 EVERY FIVE YEARS THEREAFTER.

13 (3) TRAINING CURRICULUM SHALL BE APPROVED BY THE DEPARTMENT  
14 AND SHALL ADDRESS, BUT NOT BE LIMITED TO, THE RECOGNITION OF THE  
15 SIGNS OF ABUSE AND REPORTING REQUIREMENTS FOR SUSPECTED ABUSE IN  
16 THIS COMMONWEALTH.

17 Section 3 5. Section 1070 of the act is amended by adding <--  
18 definitions to read:

19 Section 1070. Definitions.--As used in this article.--

20 "Abuse" means conduct that falls under the purview and  
21 reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child  
22 protective services) and is directed toward or against a child  
23 under eighteen years of age.

24 \* \* \*

25 "Direct contact with children" means the possibility of care,  
26 supervision, guidance or control of children or routine  
27 interaction with children.

28 \* \* \*

29 Section 4 6. The act is amended by adding a section to read: <--

30 ~~Section 1076.1. Child Abuse Recognition and Reporting~~ <--

~~1 Training. Within one hundred eighty days of the effective date  
2 of this section, the department shall adopt regulations to  
3 require that operators of family day care homes and employes who  
4 have direct contact with children receive child abuse  
5 recognition and reporting training. The following shall apply:~~

~~6 (1) Operators shall receive three hours of training prior to  
7 the issuance of a registration certificate and three hours of  
8 training every five years thereafter.~~

~~9 (2) Employes who have direct contact with children shall  
10 receive three hours of training within ninety days of the date  
11 of hire and three hours of training every five years thereafter.~~

~~12 (3) Training programs shall be approved by the department,  
13 and shall address, but not be limited to, the recognition of the  
14 signs of abuse and reporting requirements for suspected abuse in  
15 this Commonwealth.~~

~~16 SECTION 1076.1. CHILD ABUSE RECOGNITION AND REPORTING <--  
17 TRAINING.--CAREGIVERS IN FAMILY DAY CARE HOMES WHICH ARE SUBJECT  
18 TO REGISTRATION BY THE DEPARTMENT UNDER THIS SUBARTICLE AND  
19 THEIR EMPLOYES WHO HAVE DIRECT CONTACT WITH CHILDREN SHALL BE  
20 REQUIRED TO RECEIVE CHILD ABUSE RECOGNITION AND REPORTING  
21 TRAINING. THE FOLLOWING SHALL APPLY:~~

~~22 (1) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION,  
23 CAREGIVERS SHALL RECEIVE THREE HOURS OF TRAINING PRIOR TO THE  
24 ISSUANCE OF A REGISTRATION CERTIFICATE AND THREE HOURS OF  
25 TRAINING EVERY FIVE YEARS THEREAFTER.~~

~~26 (2) EMPLOYES WHO HAVE DIRECT CONTACT WITH CHILDREN SHALL  
27 RECEIVE THREE HOURS OF TRAINING WITHIN SIX MONTHS OF THE  
28 ISSUANCE OF A REGISTRATION CERTIFICATE AND THREE HOURS OF  
29 TRAINING EVERY FIVE YEARS THEREAFTER. NEW EMPLOYES SHALL RECEIVE  
30 THREE HOURS OF TRAINING WITHIN NINETY DAYS OF HIRE AND THREE~~

1 HOURS OF TRAINING EVERY FIVE YEARS THEREAFTER.

2 (3) TRAINING CURRICULUM SHALL BE APPROVED BY THE DEPARTMENT  
3 AND SHALL ADDRESS, BUT NOT BE LIMITED TO, THE RECOGNITION OF THE  
4 SIGNS OF ABUSE AND REPORTING REQUIREMENTS FOR SUSPECTED ABUSE IN  
5 THIS COMMONWEALTH.

6 Section 5 7. This act shall take effect in 60 days.

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