

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, QUINN AND CALTAGIRONE, FEBRUARY 4, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 16, 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 901 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 901. Definitions.--As used in this article--
13 "Abuse" means conduct that falls under the purview and
14 reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child
15 protective services) and is directed toward or against a child
16 under eighteen years of age.

17 * * *

1 "Direct contact with children" means the possibility of care,
2 supervision, guidance or control of children or routine
3 interaction with children.

4 * * *

5 "Operator" means an executive or facility director. The term
6 does not include a person who is not involved in managerial
7 decisions related to the provision of services for or care of
8 children with regard to any of the following:

9 (1) Personnel.

10 (2) Policy and procedures.

11 (3) Regulatory compliance.

12 (4) Services related to the general or medical care of
13 children.

14 (5) Supervision of children.

15 (6) Safety of children.

16 * * *

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

18 Section 917. Child Abuse Recognition and Reporting

19 Training.--Operators of institutions, facilities or agencies

20 which care for children and are subject to supervision by the

21 department under this article and their employes who have direct

22 contact with children AND FOSTER PARENTS shall be required to <--

23 receive child abuse recognition and reporting training. The

24 following shall apply:

25 (1) Within six months of the effective date of this section,
26 operators shall receive three hours of training prior to the
27 issuance of a license or approval and three hours of training
28 every five years thereafter.

29 (2) Employes who have direct contact with children and
30 foster parents shall receive three hours of training within six

1 months of the issuance of a license or approval and three hours
2 of training every five years thereafter. New employes and new
3 foster parents shall receive three hours of training within
4 ninety days of hire OR APPROVAL AS A FOSTER PARENT and three <--
5 hours of training every five years thereafter.

6 (3) Training curriculum shall be approved by the department
7 and shall address, but not be limited to the following:

8 (i) Recognition of the signs of abuse and reporting
9 requirements for suspected abuse in this Commonwealth.

10 (ii) The facility's or agency's policies related to
11 reporting of suspected abuse.

12 (4) A PERSON MAY BE EXEMPTED FROM THE REQUIREMENTS OF THIS <--
13 SECTION IF ALL OF THE FOLLOWING APPLY:

14 (I) THE PERSON PROVIDES DOCUMENTATION THAT THE PERSON HAS
15 ALREADY COMPLETED CHILD ABUSE RECOGNITION AND REPORTING
16 TRAINING.

17 (II) THE TRAINING WAS:

18 (A) REQUIRED BY SECTION 1205.6 OF THE ACT OF MARCH 10, 1949
19 (P.L.30, NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," AND
20 THE TRAINING PROGRAM WAS APPROVED BY THE DEPARTMENT OF EDUCATION
21 IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WELFARE; OR

22 (B) REQUIRED BY 23 PA.C.S. CH. 63 (RELATING TO CHILD
23 PROTECTIVE SERVICES) AND THE TRAINING PROGRAM WAS APPROVED BY
24 THE DEPARTMENT OF PUBLIC WELFARE.

25 (III) THE AMOUNT OF TRAINING RECEIVED EQUALS OR EXCEEDS THE
26 AMOUNT OF TRAINING REQUIRED BY THIS SECTION.

27 Section 3. Section 1001 of the act is amended by adding
28 definitions to read:

29 Section 1001. Definitions.--As used in this article--

30 "Abuse" means conduct that falls under the purview and

1 reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child
2 protective services) and is directed toward or against a child
3 under eighteen years of age.

4 * * *

5 "Direct contact with children" means the possibility of care,
6 supervision, guidance or control of children or routine
7 interaction with children.

8 * * *

9 "Operator" means an executive or facility director. The term
10 does not include a person who is not involved in managerial
11 decisions related to the provision of services for or care of
12 children with regard to any of the following:

13 (1) Personnel.

14 (2) Policy and procedures.

15 (3) Regulatory compliance.

16 (4) Services related to the general or medical care of
17 children.

18 (5) Supervision of children.

19 (6) Safety of children.

20 * * *

21 Section 4. The act is amended by adding a section to read:

22 Section 1022. Child Abuse Recognition and Reporting

23 Training.--Operators of facilities and agencies which care for
24 children and are subject to licensure by the department under
25 this article and their employes who have direct contact with
26 children shall be required to receive child abuse recognition
27 and reporting training. The following shall apply:

28 (1) Within six months of the effective date of this section,
29 operators shall receive three hours of training prior to the
30 issuance of a license and three hours of training every five

1 years thereafter.

2 (2) Employes who have direct contact with children shall
3 receive three hours of training within six months of the
4 issuance of a license and three hours of training every five
5 years thereafter. New employes shall receive three hours of
6 training within ninety days of hire and three hours of training
7 every five years thereafter.

8 (3) Training curriculum shall be approved by the department
9 and shall address, but not be limited to, the recognition of the
10 signs of abuse and reporting requirements for suspected abuse in
11 this Commonwealth.

12 (4) A PERSON MAY BE EXEMPTED FROM THE REQUIREMENTS OF THIS <--
13 SECTION, IF ALL OF THE FOLLOWING APPLY:

14 (I) THE PERSON PROVIDES DOCUMENTATION THAT THE PERSON HAS
15 ALREADY COMPLETED CHILD ABUSE RECOGNITION AND REPORTING
16 TRAINING.

17 (II) THE TRAINING WAS:

18 (A) REQUIRED BY SECTION 1205.6 OF THE ACT OF MARCH 10, 1949
19 (P.L.30, NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," AND
20 THE TRAINING PROGRAM WAS APPROVED BY THE DEPARTMENT OF EDUCATION
21 IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WELFARE; OR

22 (B) REQUIRED BY 23 PA.C.S. CH. 63 (RELATING TO CHILD
23 PROTECTIVE SERVICES) AND THE TRAINING PROGRAM WAS APPROVED BY
24 THE DEPARTMENT OF PUBLIC WELFARE.

25 (III) THE AMOUNT OF TRAINING RECEIVED EQUALS OR EXCEEDS THE
26 AMOUNT OF TRAINING REQUIRED BY THIS SECTION.

27 Section 5. Section 1070 of the act is amended by adding
28 definitions to read:

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

30 "Abuse" means conduct that falls under the purview and

1 reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child
2 protective services) and is directed toward or against a child
3 under eighteen years of age.

4 * * *

5 "Direct contact with children" means the possibility of care,
6 supervision, guidance or control of children or routine
7 interaction with children.

8 * * *

9 Section 6. The act is amended by adding a section to read:

10 Section 1076.1. Child Abuse Recognition and Reporting
11 Training.--Caregivers in family day care homes which are subject
12 to registration by the department under this subarticle and
13 their employes who have direct contact with children shall be
14 required to receive child abuse recognition and reporting
15 training. The following shall apply:

16 (1) Within six months of the effective date of this section,
17 caregivers shall receive three hours of training prior to the
18 issuance of a registration certificate and three hours of
19 training every five years thereafter.

20 (2) Employes who have direct contact with children shall
21 receive three hours of training within six months of the
22 issuance of a registration certificate and three hours of
23 training every five years thereafter. New employes shall receive
24 three hours of training within ninety days of hire and three
25 hours of training every five years thereafter.

26 (3) Training curriculum shall be approved by the department
27 and shall address, but not be limited to, the recognition of the
28 signs of abuse and reporting requirements for suspected abuse in
29 this Commonwealth.

30 (4) A PERSON MAY BE EXEMPTED FROM THE REQUIREMENTS OF THIS <--

1 SECTION IF ALL OF THE FOLLOWING APPLY:

2 (I) THE PERSON PROVIDES DOCUMENTATION THAT THE PERSON HAS
3 ALREADY COMPLETED CHILD ABUSE RECOGNITION AND REPORTING
4 TRAINING.

5 (II) THE TRAINING WAS:

6 (A) REQUIRED BY SECTION 1205.6 OF THE ACT OF MARCH 10, 1949
7 (P.L.30, NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," AND
8 THE TRAINING PROGRAM WAS APPROVED BY THE DEPARTMENT OF EDUCATION
9 IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WELFARE; OR

10 (B) REQUIRED BY 23 PA.C.S. CH. 63 (RELATING TO CHILD
11 PROTECTIVE SERVICES) AND THE TRAINING PROGRAM WAS APPROVED BY
12 THE DEPARTMENT OF PUBLIC WELFARE.

13 (III) THE AMOUNT OF TRAINING RECEIVED EQUALS OR EXCEEDS THE
14 AMOUNT OF TRAINING REQUIRED BY THIS SECTION.

15 Section 7. This act shall take effect in 60 days.