



PA House Committee readies legislation to address child protection glitches

House Bill 1276 seeks to address angst, especially for volunteer-driven entities

June 3rd – Next Monday, the [Pennsylvania House of Representatives Children and Youth Committee](#), chaired by Bucks County Representative Kathy Watson, will consider [House Bill 1276](#). The legislation was introduced this week to address the glitches that have surfaced in the wake of the comprehensive reforms to the state’s Child Protective Services Law (CPSL).

Included in today’s CJAR, is a ***first-look*** chart outlining the proposed changes as well as review of what is being proposed regarding who and when certain employees and volunteers require comprehensive background checks.

[Become a subscriber now!](#)

Policy area	Current law ¹	Proposed in House Bill 1276 ² (changes are bold and underlined)
Child care services (defined)	Includes any of the following: <ol style="list-style-type: none"> 1. Child day-care centers. 2. Group day-care homes. 3. Family day-care homes. 4. Foster homes. 5. Adoptive parents. 6. Boarding homes for children. 	Includes any of the following: <ol style="list-style-type: none"> 1. Child day-care centers. 2. Group day-care homes. 3. Family day-care homes. 4. Foster homes. 5. Adoptive parents. 6. Boarding homes for children.

¹ <http://www.legis.state.pa.us/WU01/LI/LI/CT/PDF/23/23.PDF>

² <http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2015&slnd=0&body=H&type=B&bn=1276>

Policy area	Current law ¹	Proposed in House Bill 1276 ² (changes are bold and underlined)
	<p>7. Juvenile detention center services or programs for delinquent or dependent children.</p> <p>8. Mental health services for children.</p> <p>9. Services for children with intellectual disabilities.</p> <p>10. Early intervention services for children.</p> <p>11. Drug and alcohol services for children.</p> <p>12. Day-care services or programs that are offered by a school.</p> <p>13. Other child-care services that are provided by or subject to approval, licensure, registration or certification by the department or a county social services agency or that are provided pursuant to a contract with the department or a county social services agency.</p>	<p>7. Juvenile detention center services or programs for delinquent or dependent children.</p> <p>8. Mental health services for children.</p> <p>9. Services for children with intellectual disabilities.</p> <p>10. Early intervention services for children.</p> <p>11. Drug and alcohol services for children.</p> <p>12. Day-care services or programs that are offered by a school.</p> <p>13. Other child-care services that are provided by or subject to approval, licensure, registration or certification by the department or a county social services agency or that are provided pursuant to a contract with the department or a county social services agency.</p> <p><u>The term does not apply to services provided by administrative or other support personnel unless the administrative or other support personnel's duties involve direct contact with children.</u></p>
Direct contact with children (defined)	The care, supervision, guidance or control of children or routine interaction with children	The care, supervision, guidance or control of children <u>and</u> routine interaction with children
Independent contractor (defined)	<p>An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly</p> <p><u>Become a subscriber now!</u></p>	
Perpetrator (defined)		
Program, activity or service (defined)		

Policy area	Current law ¹	Proposed in House Bill 1276 ² (changes are bold and underlined)
Routine interaction (defined)		
School employee (defined)		
Person responsible for the welfare of a child		
Persons required to report suspected child abuse		
Release of information in confidential reports		
Referral by health care providers of an infant (up to age 1) to children and youth services		

House Bill 1276 tackles some of the glitches that have left volunteer-reliant agencies clamoring for relief. Left unaddressed by the bill, as introduced, is pursuit of waiving the background check fees entirely for volunteers.

As Harrisburg tackles a tough budget and both sides of the aisle debate the size of the budget deficit, there is real angst about waiving any fees (or potential revenue for the state).

House Bill 1276 does remove the language that implied that an employer or volunteer agency needed to “maintain” the original documents. The language attempts to clarify that a person will “submit” the “required documents” and then the

[**Become a subscriber now!**](#)

Table 1: Criminal and child abuse background checks for employees and volunteers

CPSL Applicability	Required Checks
Employees having contact with children; adoptive and foster parents with 6344 (A) applicable to the following individuals: <ol style="list-style-type: none"> 1. Employee of child care services 2. Foster parent 3. Prospective adoptive parent 4. Self-Employed family day care provider 	<ol style="list-style-type: none"> 1. Criminal History Record Information obtained from the PA State Police (\$10 fee) 2. Child Abuse Clearance obtained through the PA Department of Public Welfare (now known as the Department of Human Services) certifying if 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 or indicated report” of child abuse. (\$10 fee)

