

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 227 Session of
2011

INTRODUCED BY PICCOLA, KASUNIC, TARTAGLIONE AND SOLOBAY,
JANUARY 24, 2011

REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 24, 2011

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," further providing for
4 application for registration certificate, for issuance of
5 registration certificate and for records; providing for
6 disclosure; and further providing for emergency closure.

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

9 Section 1. Sections 1072, 1073 and 1075 of the act of June
10 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,
11 added December 5, 1980 (P.L.1112, No.193), are amended to read:

12 Section 1072. Application for Registration Certificate.--

13 (a) Any individual desiring to secure a registration
14 certificate shall submit an application therefor to the
15 department upon forms prepared and furnished by the department,
16 and, at the same time, shall certify in writing that he/she and
17 the [facility] family day care home named in the application are
18 in compliance with applicable department regulations. Applicants
19 shall also provide proof of a current general liability
20 insurance policy that covers all persons who are on the

1 premises.

2 (b) Application for renewal of the registration certificate
3 shall be made every two years in the same manner as application
4 for the original registration certificate.

5 (c) No application fee shall be required to register a
6 family day care home.

7 Section 1073. Issuance of Registration Certificate.--Upon
8 receipt of an application, proof of current liability insurance
9 and the applicant's written certification of compliance with
10 applicable department regulations, the department shall issue a
11 registration certificate to the applicant for the premises named
12 in the application. A registration certificate shall be issued
13 for a period of two years.

14 Section 1075. Records.--Every individual who operates a
15 family day care home registered under this article shall keep
16 and maintain such records as required by the department. The
17 current registration certificate of the family day care home, a
18 copy of the applicable department regulations, a copy of the
19 inspection summary of the family day care home and any other
20 record required by the department shall be posted in a
21 conspicuous location used by parents. A current copy of the
22 family day care home's insurance policy shall be on file at the
23 family day care home.

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

25 Section 1075.1. Disclosure.--At the time of the child's
26 application, the operator of the family day care home shall
27 review with the parent or other responsible person the family
28 day care home's registration certificate, inspection summary,
29 insurance policy, emergency plan, general daily schedule, hours
30 in which care is provided, fees, responsibilities for meals,

1 clothing, health policies, supervision policies, night care
2 policies, dismissal policies, transportation, pickup
3 arrangements and any other policy as required by the department.
4 Upon enrollment, the operator of the family day care home shall
5 execute a written agreement signed by the child's parent or
6 other responsible person and the operator that addresses the
7 terms required by the department. The operator of the family day
8 care home shall maintain emergency contact information as
9 required by the department. The operator of the family day care
10 home shall also give the child's parent or other responsible
11 person a written form prescribed by the department containing
12 the following information:

13 (1) instructions for obtaining information about the
14 registration history and compliance history of the family day
15 care home; and

16 (2) instructions for contacting the department to file a
17 complaint or make inquiries regarding the family day care home.

18 Section 3. Section 1080 of the act, added December 5, 1980
19 (P.L.1112, No.193), is amended to read:

20 Section 1080. Emergency Closure.--If the department, or
21 authorized agent of the department observes a condition at a
22 family day care home which places the children cared for therein
23 in immediate life-threatening danger, the department shall
24 maintain an action in the name of the Commonwealth for an
25 injunction or other process restraining or prohibiting the
26 operation of the [facility.] family day care home. If the
27 department finds evidence of gross incompetence, negligence,
28 misconduct in operating the family day care home or mistreatment
29 or abuse of children likely to constitute an immediate and
30 serious danger to the life or health of the children, the

1 department shall take immediate action to close the family day
2 care home and remove the children from the family day care home.
3 If physical obstruction is offered to prevent removal of the
4 children, the department shall request law enforcement
5 authorities to assist in the closure of the family day care home
6 and removal of the children. The department shall inform the
7 parent or other person responsible for each child present at the
8 family day care home of the emergency closure and removal.
9 Department staff shall remain at the family day care home until
10 each child is picked up by his or her parent or taken to another
11 safe location.

12 Section 4. This act shall take effect in 120 days.