



Senate Public Health and Welfare Committee

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Summary HB 1276 PN 1849

This legislation amends Chapter 63 (Child Protective Services Law) of Title 23 to clarify certain requirements pertaining to criminal history background certifications for employees and volunteers.

House Bill 1276 adds definitions of "institution of higher education" and "routine interaction" with the intent of more clearly identifying which individuals are required to comply with requirements of the law. Other definitions are streamlined to more appropriately align with the intent of the bill. Routine interaction is defined as regular and repeated contact that is integral to a person's employment or volunteer responsibilities.

Exemptions from the background certification requirements are provided in a number of different circumstances. The following do not need to get the certifications:

- Employees who are administrative or support personnel and do not have direct contact with children
- Employees of institutions of higher education if the direct contact is limited to children 16 years of age or older who are either prospective students visiting campus or enrolled at the institution.
- Minor employees between the ages of 14 and 17 if they have lived in the Commonwealth for 10 years and their parent or legal guardian affirms the minor employee has not been convicted of a disqualifying crime (FBI exempt only)
- Employees or volunteers having a J-1 Visa if the employee or volunteer would hold a position for no longer than 90 days and the employee or volunteer affirms in writing that there is no disqualifying crime.

- Volunteers who provide episodic, infrequent or intermittent services and are within the immediate vicinity of at least one individual who is responsible for the child's welfare
- Employees participating in internships or similar school programs if the child participating in the program is at least 16 years of age

Adult family members in family living homes, community homes for individuals with intellectual disabilities and host homes are added to the mandated reporting, training and certification requirements. These are all private residences where a social service agency contracts with one individual to provide the care. The individual entering into the contract is considered an employee and therefore already covered under the law but others may live there and also share in the caregiving. Prospective adoptive parents must now also meet the requirements and notification of any disqualifying events must be reported to the agency providing the adoption services.

Volunteers will now have the fees associated with the state certifications (Child Line and State Police) waived and will be permitted to receive a free certification every 36 months. Free volunteer certifications may not be used for employment. Employees may transfer their certifications so long as they are valid and the individuals affirms they are not disqualified.

The bill also clarifies that existing employees who have not been certified or who have a certification older than 36 months will have until December 31, 2015 to meet the requirements. Volunteers who have certifications older than 36 or who were never certified must comply by July 1, 2016.

The Auditor General is given the ability to access child abuse reports in possession of an entity being audited. The Auditor General may not remove identifiable reports or copies from the department or county agency.

Additional clarification is added that a health care provider does not have to report withdrawal symptoms from prenatal drug exposure if the mother was:

- under the care of a prescribing medical professional and
- using the drug as directed by the medical professional

Effective Date

This act shall take effect immediately.

Amendment A02599

Add definitions of "adult family member," "direct volunteer contact," "immediate vicinity," and "matriculated student."

Modifies the exemption language for employees of institutions of higher education to cover all prospective students visiting campus regardless of age or matriculated students who are enrolled to attend classes and have received a high school diploma or its equivalent.

Deletes the exemption for employees participating in internships or similar school programs.

Adds an additional condition for those holding J-1 Visas and requesting an exemption that they may not have been employed previously in the Commonwealth, another state, the District of Columbia or the Commonwealth of Puerto Rico.

Adds a good faith resumption for volunteer organizations when identifying those volunteers who need clearances.

The exemption for volunteers who provide infrequent services is eliminated and an exemption is put in place for student volunteers when they are:

- enrolled in a school
- not responsible for the child's welfare
- volunteering for an event that occurs on school grounds **and** the event
- is sponsored by the school
- not for children who are in the care of a child-care service

Extends the time period for requiring a recertification for both employees and volunteers from every 36 months to every 60 months.

Makes other technical and clarifying changes.