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|  <p>THE CENTER FOR Children's Justice</p> | <p style="text-align: right;">www.C4CJ.org</p> <h2 style="text-align: center;">Children's Justice & Advocacy Report</h2> |
| <p style="text-align: center;">To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.</p> | |

Legislation Clarifying Child Protection Reforms Sent to Governor

Prepared June 30, 2015

Today the Pennsylvania General Assembly sent House Bill 1276 (PN 1997) to Governor Tom Wolf for his signature. The Wolf Administration was directly involved in the crafting of the legislation so it is projected that Governor Wolf will sign the bill into law. The bill, once signed by the Governor, would become effective immediately.

House Bill 1276 was drafted to “clarify and make more explicit provisions” about which employees and adult volunteers, who work or volunteer with children, must “obtain criminal background check clearances and child abuse clearances.”¹ The bill was intended to “clear up ambiguous aspects of the statute and to address concerns expressed by numerous volunteer-based organizations and other entities from across the Commonwealth that are affected by the new law.”²

Legislators were seeking to make the background check requirements “less onerous for adult volunteers who work with children” so that an appropriate “balance” is struck “between protecting children and not making the requirements for volunteers so onerous that the result is losing both volunteers and consequently programs that are beneficial to children.”³

¹ Memo from Representative Katherine Watson to members of the Pennsylvania House of Representatives regarding Co-Sponsorship of Legislation - Clarification of 2013 - 2014 Changes to the Child Protective Services Law (CPSL) dated May 20, 2015. Retrieved at <http://www.legis.state.pa.us//cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20150&cosponId=18387>

² Ibid.

³ Ibid.

Highlights of the changes to the Child Protective Services Law (CPSL) made by House Bill 1276 include:

- Adds definitions of adult family member, direct volunteer contact, education enterprise, family child-care home, immediate vicinity and matriculated student.
- Alters the definition of perpetrator to include a person 14 years of age or older who is an employee of a child-care service, a school or through a program, activity or service (current law includes persons 14 years of age or older who are “responsible for the child’s welfare”).
- Reworks the definition of program, activity or service removing the “includes, but is not limited to” language before enumerating examples and adds some additional language to further flesh out definition (see Table 1 below).
- Limits the employees, at institutions of higher learning, required to undergo background checks, while retaining required checks for adults who have direct contact with youth who remain enrolled in high school. This is an important compromise so as to capture adults with direct contact with dual enrolled students. Push back remains about requiring background checks of employees at institutions of higher education and several lawmakers cast a no vote related to this provision and vowed it remains an issue that requires further attention.
- Clarifies which adults will require background checks and need to be in the “vicinity” of the child during an internship, externship, work-study, co-op or similar program.
- Establishes August 25, 2015 as the date by which new volunteers must have background checks and stipulates that existing volunteers (who have never had background checks or who have background checks older than 60 months) will have until July 1, 2016 to get the required background checks.
- Extends to 60 months (vs. 36 months) the time frame by which employees and volunteers must have their background checks updated.
- Expands the portability of the checks.
- Exempts volunteers, who are also students, from the background checks under specific conditions (e.g., the student is enrolled in school, the student is volunteering for an event on school grounds, the event is not for children who are part of a child-care service).
- Permanently waives the fees associated with volunteers completing state background checks (currently such state background checks cost a volunteer \$20).
- Includes a presumption of “good faith” for agencies screening employees and volunteers.
- Grants Pennsylvania’s Auditor General access to confidential child welfare records in order to conduct audits of the system.
- Narrows the infants (up to age one) that health care providers must refer to a children and youth agency when the infant is “affected by withdrawal symptoms resulting from prenatal drug exposure.” Referrals would not be needed for infants if the withdrawal symptoms are linked to situations where the mother, “during the pregnancy was under the care of a prescribing medical professional and in compliance with the directions for the administration of a prescription drug as directed by the prescribing medical professional.”

While House Bill 1276 will have some impact on paid employees, the catalyst to the bill was the significant impact the earlier child protection reforms had on unpaid volunteers.

Once House Bill 1276 is enacted, volunteers who fall into one of the two scenerios below will need to obtain a **PA State Police criminal history certification and a Department of Human Services' child abuse history certification every five years, at no cost to the volunteer.** A

volunteer, who has not resided in Pennsylvania consecutively for ten years, will also have to obtain an FBI federal criminal history clearance that requires the submission of the volunteer's fingerprints.

Scenerio #1
Volunteer Background Checks

- The adult volunteer with a child-care service, a school or a program, service or activity **is responsible for the child's welfare** meaning this adult provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child **in lieu** of parental care, supervision and control.

Scenerio #2
Volunteer Background Checks

- The adult volunteer with a child-care service, a school or a program, service or activity provides care, supervision, guidance or control of children **AND** has routine interaction with children (meaning "**regular and repeated contact**" that is "integral" to the volunteer's responsibilities).

House Bill 1276 also impacts those volunteers that will be mandated reporters. Going forward a volunteer is a mandated reporter under one of two scenerios.

Scenerio #1
Volunteers as Mandated Reporter

•The adult volunteer "on the basis of the individuals' role as an integral part of a regularly scheduled program, activity or service is a person responsible for the child's welfare. That means the volunteer provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

Scenerio #2
Volunteer as Mandated Reporter

•The adult volunteer "on the basis of the individuals' role as an integral part of a regularly scheduled program, activity or service has direct contact with children." Direct contact is "the care, supervision, guidance or control of children or routine interaction with children." Routine interaction is defined as "'regular and repeated contact."

Table 1: Comparison of current PA law with changes included in House Bill 1276 (PN 1997)

| Policy area | Current law ⁴ | HB 1276 (PN 1997) ⁵ (sent to Governor Wolf for his signature on 6/30/15, changes from current law are underlined & in bold) |
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| <p>BACKGROUND CHECKS – Employees</p> | <p>§ 6344. Employees having contact with children; adoptive and foster parents.</p> <p>(a) Applicability.--Beginning December 31, 2014, this section applies to the following individuals:</p> <p>(1) An employee of child-care services.</p> <p>(2) A foster parent.</p> <p>(3) A prospective adoptive parent.</p> <p>(4) A self-employed family day-care provider.</p> <p>(5) An individual 14 years of age or older applying for a paid position as an employee responsible for the welfare of a child or having direct contact with children.</p> <p>(6) Any individual seeking to provide child-care services under contract with a child-care facility or program.</p> <p>(7) An individual 18 years of age or older who resides in the home of a foster parent for at least 30 days in a calendar year or who resides in the home of a prospective adoptive parent for at least 30 days in a calendar year.</p> <p>(a.1) School employees.--This section shall apply to school employees as follows:</p> <p>(1) School employees governed by the provisions of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall be subject to the provisions of section 111 of the Public School Code of 1949, except that this section shall apply with regard to the information required under subsection (b)(2).</p> <p>(2) School employees not governed by the provisions of the Public School Code of 1949 shall be governed by this section.</p> | <p>NOTE: Throughout the CPSL the term “clearances” would change to “certifications”</p> <p>Employees having contact with children; adoptive and foster parents with 6344 (A) applicable to the following individuals:</p> <ol style="list-style-type: none"> 1. An employee of child-care services. 2. A foster parent. 3. A prospective adoptive parent. 4. A self-employed <u>provider of child care services in a family child-care home.</u> 5. <u>(i) Except as provided under subparagraph (ii), an individual 14 years of age or older who is applying for or holding a paid position as an employee with a program, activity or service, as a person responsible for the child’s welfare or having direct contact with children.</u> <p><u>(ii) If the program, activity or service is an internship, externship, work-study or co-op or similar program, an adult apply for or holding a paid position with an employer that participates in the internship, externship, work-study, co-op or similar program with a school and whom the employer and the school identify as the child’s supervisor and the person responsible for the child’s welfare while the child participates in the program with the employer. The adult identified under this subparagraph as the person responsible for the child’s welfare is required to be in the immediate vicinity at regular intervals with the child during the program.</u></p> |

⁴ <http://www.legis.state.pa.us/WU01/LI/LI/CT/PDF/23/23.PDF>

⁵ <http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2015&sessInd=0&billBody=H&billTyp=B&billNbr=1276&pn=1997>

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| | | <p>6. Any individual seeking to provide child care services under contract with a child care facility or program</p> <p>7. An Individual 18 years of age or older residing with a foster parent or prospective adoptive parent for at least 30 days in a calendar year.</p> <p>8. <u>An individual 18 years of age or older who resides for at least 30 days in a calendar year in the following homes which are subject to supervision or licensure by the department under Articles IX and X of the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code:</u></p> <p>(i) <u>A Family Living Home.</u></p> <p>(ii) <u>A community home for individuals with an intellectual disability.</u></p> <p>(iii) <u>A host home for children.</u></p> <p><u>This paragraph does not include an individual with an intellectual disability or chronic psychiatric disability receiving services in a home.</u></p> <p>School employees are also enumerated in current law and within House Bill 1276 (those governed by the Public School Code and those outside of that Code which captures those in a college/university setting).</p> <p><u>(II) This paragraph shall not apply to an employee of an institution of higher education whose direct contact with children, in the course of employment, is limited:</u></p> <p>(A) <u>Prospective students visiting a campus operated by the institution of higher education; or</u></p> |

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| | | <p><u>(B) Matriculated students who are enrolled with the institution.</u></p> <p><u>(III) Subparagraph (II) (B) shall not apply to students who are enrolled in a secondary school.</u></p> <p><u>(A.2) Minors - An individual between 14 and 17 years of age who applies for or holds a paid position as an employee who is a person responsible for the child's welfare or a person with direct contact with children through a program, activity or service prior to the commencement of reemployment or under section 6344.4 (relating to certification) shall be required to submit only the information under subsection (b)(1) and (2) to an employer, administrator, supervisor or other person responsible for employment decisions, if the following apply:</u></p> <ol style="list-style-type: none"> <u>1. The individual has been a resident of the Commonwealth during the entirety of the previous 10-year period or, if not a resident of the Commonwealth during the entirety of the previous 10-year period, has received certification under subsection (b) (3) at any time since establishing residency in this Commonwealth and provides a copy of the certification to the employer.</u> <u>2. The individual and the individual's parent or legal guardian swears or affirms in writing that the individual is not disqualified from service under subsection (c) or has not been convicted of an offense similar in nature to those crimes listed in subsection (c) under the laws or former laws of the United States or one of its territories or possessions.</u> |

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| | | <p><u>another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.”</u></p> <p><u>(A.3) Exchange visitor – An individual in possession of a nonimmigrant Visa issued pursuant to 8. U.S.C. § 1101 (A) (15) (I) (relating to definitions) to an exchange visitor, commonly referred to as a J-1 Visa, shall not be required to submit information under subsection (B) if any of the following apply:</u></p> <ol style="list-style-type: none"> 1. <u>The individuals is applying for or holds a paid position with a program, activity or service for a period not to exceed a total of 90 days in a calendar year.</u> 2. <u>The individual has not been employed previously in this Commonwealth or another state, the District of Columbia or the Commonwealth of Puerto Rico.</u> 3. <u>The individual swears or affirms in writing that the individual is not disqualified from service under subsection (c) or has not been convicted of an offense similar in nature to the crimes listed under subsection (c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.</u> <p>NOTE: <i>Employees required to complete a FBI background check, including the submission of fingerprints, will have to repeat the FBI check every 5 years. The DHS child abuse and PSP criminal history certifications will also now be required every 5 years.</i></p> |

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| BACKGROUND CHECKS – Portability | (f) Transfer.-- (1) Any person who has obtained the information required under this chapter may transfer or provide services to another subsidiary or branch established and supervised by the same organization, or serve in a volunteer capacity for any program, service or activity, during the length of time the person's certification is current pursuant to section 6344.4 (relating to certification compliance). (2) Any employee who begins employment with a new agency, institution, organization or other entity that is responsible for the care, supervision, guidance or control of children shall be required to obtain a new certification of compliance as required by this chapter. | (f) <u>Portability of certification</u> <u>If an individuals' certifications are current under section 6344.4 (relating to recertification) and the individual completes and affirmation under paragraph (2), the individual may use the certifications as follows:</u> <ul style="list-style-type: none"> <u>(i) to apply for employment as identified in section 6344 (relating to employees having contact with children; adoptive and foster parents);</u> <u>(ii) (ii) to serve as an employee as identified in section 6344;</u> <u>(iii) (iii) to apply as a volunteer under section 6344.2 (relating to volunteers having contact with children); and</u> <u>(iv) (iv) to serve as a volunteer under section 6344.2</u> |
| BACKGROUND CHECKS – Volunteers | Section 6344.2 -- Volunteers having contact with children. (a) Applicability.--This section applies to an adult applying for an unpaid position as a volunteer responsible for the welfare of a child or having direct contact with children. | NOTE: Throughout the CPSL the term “clearances” would change to “certifications” (a) Applicability.--This section applies to an adult applying for <u>or holding</u> an unpaid position as a volunteer <u>with a child-care service, a school or a program, activity or service as a person responsible for the child’s welfare</u> or having direct <u>volunteer</u> contact with children. NOTE: Direct volunteer contact is a new definition added to the CPSL by House Bill 1276. It is defined as “The care, supervision, guidance or control of children and routine interaction with children. Routine interaction is then defined then as “regular and repeated contact that is integral to a person’s |

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| | | <p><i>employment or volunteer responsibilities.” It is important to note that, as it relates to background checks, it is “direct volunteer contact” not the current definition of “direct contact with children” that applies.</i></p> <p><u>If all of the following apply, an individual shall not be required to obtain the certifications required under subsection (b):</u></p> <ol style="list-style-type: none"> I. <u>The individual is currently enrolled in a school.</u> II. <u>The individual is not a person responsible for the child’s welfare.</u> III. <u>The individual is volunteering for an event that occurs on school grounds.</u> IV. <u>The event is sponsored by the school in which the individual is enrolled as a student.</u> V. <u>The event is not for children who are in the care of a child-care service.</u> <p>The Senate also would include a Presumption of good faith. <u>For the purposes of criminal liability under this section, an employer, administrator, supervisor or other persons responsible for the selection of volunteers are presumed to have acted in good faith when identifying individuals required to submit certifications and maintain records as required by this section.</u></p> <p>NOTE: Volunteers who have not been residents of Pennsylvania for 10 years consecutively will be required to obtain an FBI federal criminal history clearance, including the submission of fingerprints. This will be required only once of such a volunteer.</p> |
| BACKGROUND CHECKS – Volunteer fee waiver | No fees are waived for volunteers. | The legislation places in statute the decision of Governor Tom Wolf to waive the fees for state background checks obtained by volunteers. Fees will |

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| | | <p>be waived beginning July 25, 2015. There is no fee waiver for the FBI federal criminal history clearance.</p> <p>House Bill 1276 also includes language to assure that volunteer certifications are not used for employment purposes:</p> <p><u>Volunteer certification prohibition. – An employer, administrator, supervisor or other person responsible for employment decisions is prohibited from accepting a certification that was obtained for volunteering purposes under Section 5344.2 (relating to volunteers having contact with children).</u></p> <p>Volunteers could obtain the certifications free of charge only once during a 57 month period (background checks would now be updated every 60 months vs. the current law of every 36 months).</p> |
| DEFINITION – Adult family member | None | <u>Adult family member – A person 18 years of age or older who has the responsibility to provide care or services to an individual with an intellectual disability or chronic psychiatric disability.</u> |
| DEFINITION - Child care services | 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. 7. Juvenile detention center services or programs for delinquent or dependent children. 8. Mental health services for children. 9. Services for children with intellectual disabilities. 10. Early intervention services for children. 11. Drug and alcohol services 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 <u>child</u>-care homes. 4. Foster homes. 5. Adoptive parents. 6. Boarding homes for children. 7. Juvenile detention center services or programs for delinquent or dependent children. 8. Mental health services for children. 9. Services for children with intellectual disabilities. |

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| | <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>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 has direct contact with children.</u></p> <p>NOTE: Under current law “direct contact with children” is defined as “The care, supervision, guidance or control of children <u>or</u> routine interaction with children.” House Bill 1276 then added this definition of routine interaction with children “regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.”</p> |
| DEFINITION – Direct volunteer contact | None | <p><u>Direct volunteer contact – The care, supervision, guidance or control of children and routine interaction with children.</u></p> <p>NOTE: House Bill 1276 then added this definition of routine interaction with children “regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.”</p> |
| DEFINITION – Education Enterprise | None | <u>Education Enterprise. An educational activity in this Commonwealth:</u> |

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| | | <p>1) <u>For which college credits or continuing education units are awarded, continuing professional education is offered or tuition or fees are charged or collected; and</u></p> <p>2) <u>That is sponsored by a corporation, entity or institution that is in incorporated or authorized by other means in a state other than this Commonwealth and is approved and authorized to operate in this Commonwealth under 15 PA. C. S. PT 11 Subpt B (relating to business corporations) or C (relating to nonprofit corporations and 24 PA.C.S. Ch 65 (relating to private colleges, universities and seminaries).</u></p> |
| DEFINITION - Family Child-Care Home | | <u>Family Child-Care Home. A residence where child day care is provided at any time to no less than four children and no more than six children who are not relatives of the caregiver.</u> |
| DEFINITION - Immediate vicinity | None | <u>Immediate vicinity - An area in which an individual is physically present with a child and can see, hear, direct and assess the activities of the child.</u> |
| DEFINITION - Independent contractor | An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. The term does not include an individual who has no direct contact with children. | An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. <u>The term does not apply to administrative or other support personnel unless the administrative or other support personnel has direct contact with children.</u> <u>NOTE:</u> Under current law “direct contact with children” is defined as “The care, supervision, guidance or control of children <u>or</u> routine interaction with |

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| | | <i>children.” House Bill 1276 then added this definition of routine interaction with children “regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.”</i> |
| DEFINITION - Institution of Higher Education | Such institutions are already captured within the definition of “school” in the CPSL. | NOTE: <i>The bill extracts the more extensive definition of these types of institutions from the “school” definition and then substitutes “an institution of higher education” in that school definition as well as then provides a distinct definition of what is an “institution of higher education” to include any of the following:</i> <ol style="list-style-type: none"> 1. A community college which is an institution now or hereafter created pursuant to Article XIX-A of the act of March 10, 1949 (P.L. 30, No. 14), known as the Public School Code of 1949, or the Act of August 24, 1963 (P.L. 1132, NO. 484), known as the Community College Act of 1963. 2. An independent institution of higher education which is an institution of higher education located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in 24 PA.C.S. § 6505 (relating to power to confer degrees) and entitled to apply to itself the designation of “college,” “university” or “seminary” as provided for by standards and qualifications prescribed by the state Board of Education under 24 PA.C.S. CH. 65. 3. A state-owned institution. 4. A state-related institution. 5. An education enterprise |
| DEFINITION - Matriculated student | None | <u>Matriculated student - A student who is enrolled in an institution of higher education and pursuing a program of study that results in a postsecondary credential, such as a certificate, diploma or degree.</u> |

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| DEFINITION - Perpetrator | <p>A person who has committed child abuse as defined in this section. The following shall apply:</p> <p>(1) The term includes only the following:</p> <ul style="list-style-type: none"> i. A parent of the child. ii. A spouse or former spouse of the child's parent. iii. A paramour or former paramour of the child's parent. iv. A person 14 years of age or older and responsible for the child's welfare v. An individual 14 years of age or older who resides in the same home as the child. vi. An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child. <p>(2) Only the following may be considered a perpetrator for failing to act, as provided in this section:</p> <ul style="list-style-type: none"> (i) A parent of the child. (ii) A spouse or former spouse of the child's parent. (iii) A paramour or former paramour of the child's parent. (iv) A person 18 years of age or older and responsible for the child's welfare. (v) A person 18 years of age or older who resides in the same home as the child. | <p>A person who has committed child abuse as defined in this section.</p> <p>(1) The term includes only the following:</p> <ul style="list-style-type: none"> i. A parent of the child. ii. A spouse or former spouse of the child's parent. iii. A paramour or former paramour of the child's parent. iv. A person 14 years of age or older and responsible for the child's welfare <u>or having direct contact with children, as an employee of child-care services, a school or through a program, activity or service.</u> v. An individual 14 years of age or older who resides in the same home as the child. vi. An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child. <p>(2) Only the following may be considered a perpetrator for failing to act, as provided in this section:</p> <ul style="list-style-type: none"> (i) A parent of the child. (ii) A spouse or former spouse of the child's parent. (iii) A paramour or former paramour of the child's parent. (iv) A person 18 years of age or older and responsible for the child's welfare. (v) A person 18 years of age or older who resides in the same home as the child. |
| DEFINITION - Person responsible for the welfare of a child | <p>A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term includes any such person who has direct or regular contact with a child through any program,</p> | <p>A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.</p> |

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| | activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization. | Note: the final sentence in current law about “direct or regular contact” would be eliminated. |
| DEFINITION - Program, activity or service | A public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following: (1) A youth camp or program. (2) A recreational camp or program. (3) A sports or athletic program. (4) An outreach program. (5) An enrichment program. (6) A troop, club or similar organization. | <u>Any of the following in which children participate and which is sponsored by a school or a public or private organization:</u> (1) A youth camp or program. (2) A recreational camp or program. (3) A sports or athletic program. (4) A community or social outreach program. (5) An enrichment or educational program. (6) A troop, club or similar organization. |
| DEFINITION - Routine interaction | No definition | <u>Regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.</u> |
| DEFINITION - School employee | An individual who is employed by a school or who provides a program, activity or service sponsored by a school. This term excludes an individuals who has no direct contact with children. | An individual who is employed by a school or who provides a program, activity or service sponsored by a school. <u>This term does not apply to administrative or other support personnel unless the administrative or other support personnel has direct contact with children.</u> <u>NOTE:</u> Under current law “direct contact with children” is defined as “The care, supervision, guidance or control of children <u>or</u> routine interaction with children.” House Bill 1276 then added this definition of routine interaction with children “regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.” |
| MANDATORY REPORTING - Persons required to report suspected child abuse | The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse: (1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State. (2) A medical examiner, coroner or funeral director. | An additional category of mandated reporters is added and the current #7 impacting volunteers is altered. An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person |

| Policy area | Current law ⁴ | HB 1276 (PN 1997) ⁵ (sent to Governor Wolf for his signature on 6/30/15, changes from current law are <u>underlined & in bold</u>) |
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| | <p>(3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.</p> <p>(4) A school employee.</p> <p>(5) An employee of a child-care service who has direct contact with children in the course of employment.</p> <p>(6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.</p> <p>(7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.</p> <p>(8) An employee of a social services agency who has direct contact with children in the course of employment.</p> <p>(9) A peace officer or law enforcement official.</p> <p>(10) An emergency medical services provider certified by the Department of Health.</p> <p>(11) An employee of a public library who has direct contact with children in the course of employment.</p> <p>(12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.</p> <p>(13) An independent contractor.</p> <p>(14) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance</p> | <p>responsible for the child's welfare <u>or has direct contact with a child.</u></p> <p>NOTE: Under current law "direct contact with children" is defined as "The care, supervision, guidance or control of children <u>or</u> routine interaction with children." House Bill 1276 then added this definition of routine interaction with children "regular and repeated contact that is integral to a person's employment or volunteer responsibilities."</p> <p><u>(16) an adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervision or licensure by the department under Articles IX and X of the Act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code.</u></p> |
| <p>REFERRAL BY HEALTH CARE PROVIDERS FOR INFANTS (up to age 1) to children and youth services</p> | <p>A health care provider involved in the delivery or care of an infant (up to age one) "who is born and identified as being affected by any of the following:</p> <ol style="list-style-type: none"> 1. Illegal substance abused by the child's mother. 2. Withdrawal symptoms resulting from prenatal drug exposure. | <p>There is some modification to when a referral is needed (and a risk and/or safety assessment for the infant/family) specific to #2. If House Bill 1276 is enacted, a referral would not be necessary if the withdrawal symptoms experienced resulted from the following:</p> |

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| | 3. A Fetal Alcohol Spectrum Disorder | Withdrawal symptoms resulting from prenatal drug exposure <u>unless the child's mother, during the pregnancy, was:</u> (i) <u>Under the care of a prescribing medical professional; and</u> <u>In compliance with the directions for the administration of a prescription drug as directed by the prescribing medical professional."</u> |
| RELEASE OF CONFIDENTIAL INFORMATION | No mention of the auditor general | <u>The Department of the Auditor General in conjunction with the performances of the duties designated to the Office of Auditor General, except that the Auditor General may not remove identifiable reports or copies thereof from the department or county agency.</u> |