

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280 and 3290]

Release of Children from Day Care

Scope

These statements of policy apply to:

- (1) Child day care center operators.
- (2) Group day care home operators.
- (3) Family day care home operators.

Purpose

The purpose of these statements of policy is to clarify the requirements regarding release of a child in care at the facility.

Discussion

The Department of Public Welfare regulations require that a child shall be released only to the child's parent or to an individual designated in writing by the enrolling parent. See §§ 3270.117(a), 3280.117(a) and 3290.116(a). Questions have been raised about the interpretation of these regulations, specifically whether the reference to "the child's parent" means only the enrolling parent or both parents.

According to State statute, the singular includes the plural when constructing regulatory language (See 1 Pa.C.S. § 1902 (relating to number; gender; tense)). This means that the reference to "the child's parent," in the singular, also means the child's parents, in the plural.

Unless stated otherwise by court order, either parent always has the right of release of that person's child and an operator may not refuse to release the child to either parent.

Policy

A facility operator shall release a child to either parent unless a court order states otherwise.

Contact Person

Refer comments and questions regarding these statements of policy to: Jennifer Lau, Bureau of Child Day Care Services, 4th Floor Bertolino Building, 1401 N. 7th St., P. O. Box 2675, Harrisburg, PA 17105-2675, (717) 787-8691.

Effective Date

These statements of policy are effective September 7, 1999.

FEATHER O. HOUSTOUN,
Secretary

(Editor's Note: The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amending by adding statements of policy in §§ 3270.117a, 3280.117a and 3290.116a to read as set forth in Annex A.)

Fiscal Note: 14-BUL-059. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3270. CHILD DAY CARE CENTERS PROGRAM

§ 3270.117a. Release of children—statement of policy.

The facility operator shall release a child to either parent unless a court order states otherwise.

CHAPTER 3280. GROUP DAY CARE HOMES PROGRAM

§ 3280.117a. Release of children—statement of policy.

The facility operator shall release a child to either parent unless a court order states otherwise.

CHAPTER 3290. FAMILY DAY CARE HOMES PROGRAM

§ 3290.116a. Release of children—statement of policy.

The facility operator shall release a child to either parent unless a court order states otherwise.

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