

AMENDMENTS TO HOUSE BILL NO. 434

Sponsor: SENATOR VULAKOVICH

Printer's No. 3131

1 Amend Bill, page 2, lines 10 through 15, by striking out all
2 of said lines and inserting

3 Section 1. The definitions of "founded report for school
4 employee," "serious physical neglect" and "subject of the
5 report" in section 6303(a) of Title 23 of the Pennsylvania
6 Consolidated Statutes, added December 18, 2013 (P.L.1170,
7 No.108), are amended to read:

8 Amend Bill, page 6, lines 11 through 30; page 7, lines 1
9 through 26, by striking out all of said lines on said pages

10 Amend Bill, page 15, line 30; page 16, lines 1 through 29, by
11 striking out all of said lines on said pages and inserting

12 Section 2. Sections 6331(11) and 6338(a) of Title 23,
13 amended April 7, 2014 (P.L. , No.29), are amended to read:
14 § 6331. Establishment of Statewide database.

15 There shall be established in the department a Statewide
16 database of protective services, which shall include the
17 following, as provided by section 6336 (relating to information
18 in Statewide database):

19 * * *

20 (11) False reports of child abuse pursuant to a
21 conviction under 18 Pa.C.S. § 4906.1 (relating to false
22 reports of child abuse) [and invalid general protective
23 services reports that a county agency or the department have
24 determined to be false,] for the purpose of identifying and
25 tracking patterns of intentionally false reports.

26 § 6338. Disposition of founded and indicated reports.

27 (a) General rule.--When a report of suspected child
28 abuse [or a report under Subchapter C.1 (relating to students
29 in public and private schools)] is determined by the
30 appropriate county agency to be a founded report or an
31 indicated report, the status of the report shall be changed
32 from pending to founded or indicated in the Statewide
33 database. Notice of the determination that a report is a
34 founded, indicated or unfounded report shall be made as

provided in section 6368(f) (relating to investigation of reports).

* * *

Section 3. (Reserved).

Amend Bill, page 22, line 19, by inserting after "23"

, amended April 7, 2014 (P.L. , No.29),

Amend Bill, page 23, lines 12 through 17, by striking out all of said lines and inserting

(2) A certification from the department as to whether 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 of child abuse[, or an indicated report of child abuse[, founded report for school employee or indicated report for school employee].

Amend Bill, page 24, lines 18 through 25, by striking out all of said lines and inserting

(1) Is named in the Statewide database as the perpetrator of a founded report [of child abuse] committed within the five-year period immediately preceding verification pursuant to this section [or is named in the Statewide database as the perpetrator of a founded report for a school employee committed within the five-year period immediately preceding verification pursuant to this section].

Amend Bill, page 25, lines 3 through 10, by striking out all of said lines and inserting

(1) Is named in the Statewide database as the perpetrator of a founded report [of child abuse] committed within the five-year period immediately preceding verification pursuant to this section [or is named in the Statewide database as the perpetrator of a founded report for a school employee committed within the five-year period immediately preceding verification pursuant to this section].

Amend Bill, page 25, lines 16 through 22, by striking out all of said lines and inserting

(b) Required information.--Child abuse record information required under subsection (a) shall include certification by the department as to whether the applicant is named in the Statewide database as the perpetrator of a founded report[, or an indicated report[, founded report for school employee or indicated report for school employee] of child abuse.

Amend Bill, page 28, line 1, by inserting after "23"

1 , amended April 7, 2014 (P.L. , No.29),
2 Amend Bill, page 28, lines 4 through 30; page 29, lines 1
3 through 11, by striking out all of said lines on said pages and
4 inserting

5 (b) Willful failure to cooperate.--Any agency, school
6 [district] or facility or any person acting on behalf of an
7 agency, school [district] or facility that violates this section
8 by willfully failing to cooperate with the department or a
9 county agency when investigating a report of suspected child
10 abuse [or a report under Subchapter C.1 (relating to students in
11 public and private schools)] or when assessing safety or risk to
12 a child commits a misdemeanor of the third degree for a first
13 violation and a misdemeanor of the second degree for subsequent
14 violations.

15 (c) Cooperation of county agency and law enforcement
16 officials.--Consistent with the provisions of this chapter, the
17 county agency and law enforcement officials shall cooperate and
18 coordinate, to the fullest extent possible, their efforts to
19 respond to and investigate reports of suspected child abuse [and
20 to reports under Subchapter C.1].

21 * * *

22 § 6347. Reports to Governor and General Assembly.

23 (a) General rule.--No later than May 1 of every year, the
24 secretary shall prepare and transmit to the Governor and the
25 General Assembly a report on the operations of the Statewide
26 database and protective services provided by county agencies.
27 The report shall include a full statistical analysis of the
28 reports of suspected child abuse made to the department[, and
29 the reports of general protective services made to the
30 department or county agencies [and the reports under Subchapter
31 C.1 (relating to students in public and private schools)],
32 together with a report on the implementation of this chapter and
33 its total cost to the Commonwealth, the evaluation of the
34 secretary of services offered under this chapter and
35 recommendations for repeal or for additional legislation to
36 fulfill the purposes of this chapter. All such recommendations
37 should contain an estimate of increased or decreased costs
38 resulting therefrom. The report shall also include an
39 explanation of services provided to children who were the
40 subjects of founded or indicated reports while receiving child-
41 care services. The department shall also describe its actions in
42 respect to the perpetrators of the abuse.

43 Amend Bill, page 51, by inserting between lines 3 and 4

44 Section 17. Notwithstanding section 4 of the act of April
45 15, 2014 (P.L. , No.32), entitled "An act amending Title 23
46 (Domestic Relations) of the Pennsylvania Consolidated Statutes,
47 in child protective services, further providing for persons

1 required to report suspected child abuse; providing for
2 privileged communications; and further providing for penalties
3 for failure to report or to refer," the amendment or addition of
4 the following provisions of the act of April 15, 2014 (P.L.,
5 No.32), shall take effect December 31, 2014:

6 (1) 23 Pa.C.S. § 6311(a) and (b).

7 (2) 23 Pa.C.S. § 6311.1.

8 (3) 23 Pa.C.S. § 6319.

9 Amend Bill, page 51, line 4, by striking out "17" and
10 inserting

11 18

12 Amend Bill, page 51, line 5, by striking out "AND" where it
13 occurs the first time and inserting a comma

14 Amend Bill, page 51, line 5, by inserting after "16"
15 and 17