

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 917 Session of 2015

INTRODUCED BY BROWNE, BAKER, WILLIAMS, FONTANA, ALLOWAY, TARTAGLIONE, BREWSTER, VULAKOVICH, RAFFERTY, COSTA, DINNIMAN, MENSCH AND HUGHES, JUNE 24, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 14, 2016

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 providing for interagency information sharing.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6352.2. Interagency information sharing.

9 (A) SCOPE.--THIS SECTION SHALL APPLY TO COURT-APPROVED <--
10 INTERAGENCY INFORMATION-SHARING AGREEMENTS ENTERED INTO IN
11 ACCORDANCE WITH THIS SECTION. NOTHING IN THIS SECTION SHALL
12 PRECLUDE THE SHARING OF INFORMATION NOT OTHERWISE PROHIBITED BY
13 LAW.

14 (a) (B) General rule.--The contents of county agency, <--
15 JUVENILE PROBATION DEPARTMENT, drug and alcohol, mental health <--
16 and education records regarding a child who is the subject of an
17 open child protective services or general protective services

1 investigation, who is alleged to be dependent, who has been
2 accepted for service by a county agency, who has been placed
3 under supervision under an informal adjustment or consent
4 decree, who has been found to have committed a delinquent act or
5 who has been found to be dependent or delinquent shall be
6 provided, upon request, to the county agency, court or juvenile
7 probation department, under and except as prohibited by the
8 following:

9 (1) This chapter.

10 (2) Section 5944 (relating to confidential
11 communications to psychiatrists or licensed psychologists).

12 (3) The act of November 29, 1990 (P.L.585, No.148),
13 known as the Confidentiality of HIV-Related Information Act.

14 (4) The act of July 9, 1976 (P.L.817, No.143), known as
15 the Mental Health Procedures Act.

16 (5) The act of February 13, 1970 (P.L.19, No.10),
17 entitled "An act enabling certain minors to consent to
18 medical, dental and health services, declaring consent
19 unnecessary under certain circumstances."

20 (6) Federal law, including the Family Educational Rights
21 and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §
22 1232g), the Health Insurance Portability and Accountability
23 Act of 1996 (Public Law 104-191, 110 Stat. 1936) and the
24 procedures, limitations and criteria set forth in regulations
25 adopted by the Department of Health and Human Services
26 relating to the confidentiality of drug and alcohol TREATMENT <--
27 records.

28 ~~(b)~~ (C) Sharing of information.-- <--

29 (1) The county agency, court or juvenile probation
30 department shall, in accordance with the procedures

1 established under this section, use the information contained
2 in the records in furtherance of a disposition under this
3 chapter of the child who is the subject of the records.

4 Unless otherwise prohibited by this chapter or by the
5 statutes or regulations listed under subsection ~~(a) (2)~~, (B) <--
6 (2), (3), (4), (5) and (6), the information contained in the
7 records may, notwithstanding any other provision of law, be
8 shared among authorized representatives of the county agency,
9 court and juvenile probation department in furtherance of a
10 disposition under this chapter of the child, or, if no child-
11 specific or other confidential information is disclosed, in
12 furtherance of efforts to identify and provide services to
13 children who are determined to be at risk of child abuse,
14 parental neglect or initial or additional delinquent
15 behavior.

16 (2) Unless otherwise prohibited under this chapter or by
17 the statutes or regulations listed under subsection ~~(a) (2)~~, <--
18 (B) (2), (3), (4), (5) and (6) OR ANY OTHER PROVISION OF LAW, <--
19 the information under paragraph (1) may also be shared with
20 other agencies or entities if there is a specific need to do
21 so. The information shall be shared for the limited purposes
22 set forth under this section under an interagency
23 information-sharing agreement developed under subsection ~~(c)~~ <--
24 (D) or upon order of court or the written consent of the <--
25 parent or guardian of the child who is the subject of the
26 records or any person, INCLUDING THE CHILD, otherwise having <--
27 the authority to consent to the sharing of the information.

28 ~~(c)~~ (D) Interagency information-sharing agreements.-- <--

29 (1) Subject to approval of the court and the
30 requirements of this chapter and the statutes and regulations

1 listed under subsection ~~(a)(2)~~, (B)(2), (3), (4), (5) and <--
2 (6), an interagency information-sharing agreement may be
3 developed in each county among the county agency, juvenile
4 probation department, local law enforcement agencies, mental
5 health agencies, drug and alcohol agencies, local school
6 districts, and other agencies and entities as deemed
7 appropriate, to enhance the coordination of case management
8 services to and the supervision of children who have been
9 accepted for service by a county agency, who are being
10 supervised under an informal adjustment or a consent decree,
11 who have been found to have committed a delinquent act or who
12 have been found to be dependent or delinquent, to enhance the
13 coordination of efforts to identify children who may be at
14 risk of child abuse, parental neglect or initial or
15 additional delinquent behavior and to provide services to
16 these children and their families. Any agreement under this
17 subsection shall be signed by the chief executive officers of
18 the entities referred to in this section as well as the
19 public defender's office and guardian ad litem in each county
20 and shall be submitted to the court for approval. In counties
21 that do not have agencies with primary responsibility for
22 representing delinquent or dependent children, the court
23 shall designate attorneys at law with experience in
24 representing those children to satisfy the requirements of
25 this paragraph.

26 (2) All interagency information-sharing agreements
27 shall, at a minimum, do all of the following:

28 (i) Provide that information will be shared under
29 this chapter and the statutes or regulations listed under
30 subsection ~~(a)(1)~~, (B)(1), (2), (3), (4), (5) and (6) to <--

1 enhance the coordination of case management services to
2 and the supervision of children who have been found to be
3 dependent or delinquent, who are being supervised under
4 an informal adjustment or a consent decree, who have been
5 found to have committed a delinquent act or who have been
6 accepted for service by a county agency, and to enhance
7 the coordination of efforts to identify children who may
8 be at risk of child abuse, parental neglect or initial or
9 additional delinquent behavior and to provide services to
10 these children and their families.

11 (ii) Whenever possible, the preferred method for
12 obtaining authorization to share confidential information
13 shall be upon the written, informed consent of the person
14 authorized under applicable law to consent to the release
15 of information after that person has been provided a full
16 understanding of the circumstances under which and with
17 whom the information will be shared.

18 (iii) Set forth the specific activities in which the
19 signatories and the signatories' representatives will
20 engage, either collectively or individually, in
21 furtherance of the purposes of the agreement.

22 (iv) Prohibit the release of information shared
23 under this agreement with other parties, except as
24 otherwise required or permitted by statute.

25 Section 2. This act shall take effect in 60 days.