

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1734 Session of  
1987

INTRODUCED BY DeWEESE, MOEHLMANN, HECKLER, BLAUM, KOSINSKI,  
HAGARTY, McHALE, CALTAGIRONE, MAIALE, KUKOVICH, BALDWIN AND  
JOSEPHS, SEPTEMBER 28, 1987

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 29, 1988

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, CODIFYING AND AMENDING <—  
3 PROVISIONS RELATING TO CHILD PROTECTIVE SERVICES; further  
4 providing FOR THE PAYMENT OF COSTS INCURRED IN THE <—  
5 APPREHENSION, PROSECUTION AND DETENTION OF CHILDREN WHO  
6 ESCAPE OR COMMIT CRIMES WHILE UNDER COMMITMENT IN AN APPROVED  
7 DELINQUENCY PROGRAM, for access to and disclosure of certain  
8 confidential information AND FOR CONFIDENTIAL COMMUNICATIONS <—  
9 WITH SEXUAL ASSAULT COUNSELORS; AND MAKING A REPEAL.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 SECTION 1. SECTION 5945.1 OF TITLE 42 OF THE PENNSYLVANIA <—  
13 CONSOLIDATED STATUTES IS AMENDED TO READ:

14 § 5945.1. CONFIDENTIAL COMMUNICATIONS [TO] WITH SEXUAL ASSAULT  
15 COUNSELORS.

16 (A) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING  
17 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
18 SUBSECTION:

19 "RAPE CRISIS CENTER." ANY OFFICE, INSTITUTION OR CENTER  
20 OFFERING ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT AND THEIR

1 FAMILIES THROUGH CRISIS INTERVENTION, MEDICAL AND LEGAL  
2 ACCOMPANIMENT AND FOLLOW-UP COUNSELING.

3 "SEXUAL ASSAULT COUNSELOR." A PERSON WHO IS ENGAGED IN ANY  
4 OFFICE, INSTITUTION OR CENTER DEFINED AS A RAPE CRISIS CENTER  
5 UNDER THIS SECTION, WHO HAS UNDERGONE 40 HOURS OF TRAINING AND  
6 IS UNDER THE CONTROL OF A DIRECT SERVICES SUPERVISOR OF A RAPE  
7 CRISIS CENTER, WHOSE PRIMARY PURPOSE IS THE RENDERING OF ADVICE,  
8 COUNSELING OR ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT.

9 "VICTIM." A PERSON WHO CONSULTS A SEXUAL ASSAULT COUNSELOR  
10 FOR THE PURPOSE OF SECURING ADVICE, COUNSELING OR ASSISTANCE  
11 CONCERNING A MENTAL, PHYSICAL OR EMOTIONAL CONDITION CAUSED OR  
12 REASONABLY BELIEVED TO BE CAUSED BY A SEXUAL ASSAULT.

13 "CONFIDENTIAL COMMUNICATION." [INFORMATION] ALL INFORMATION,  
14 ORAL OR WRITTEN, TRANSMITTED BETWEEN A VICTIM OF SEXUAL ASSAULT  
15 AND A SEXUAL ASSAULT COUNSELOR IN THE COURSE OF THAT  
16 RELATIONSHIP [AND IN CONFIDENCE BY A MEANS WHICH, SO FAR AS THE  
17 VICTIM IS AWARE, DOES NOT DISCLOSE THE INFORMATION TO A THIRD  
18 PERSON OTHER THAN THOSE WHO ARE PRESENT TO FURTHER THE INTERESTS  
19 OF THE VICTIM IN THE CONSULTATION OR THOSE TO WHOM DISCLOSURE IS  
20 REASONABLY NECESSARY FOR THE TRANSMISSION OF THE INFORMATION OR  
21 AN ACCOMPLISHMENT OF THE PURPOSES FOR WHICH THE SEXUAL ASSAULT  
22 COUNSELOR IS CONSULTED. THE TERM INCLUDES ALL INFORMATION  
23 RECEIVED BY THE SEXUAL ASSAULT COUNSELOR IN THE COURSE OF THAT  
24 RELATIONSHIP] OR BETWEEN A VICTIM AND ANY PERSON, INCLUDING A  
25 COPARTICIPANT, WHO, WITH THE CONSENT OF THE VICTIM, IS PRESENT  
26 TO FURTHER THE INTERESTS OF THE VICTIM AND WHO IS NECESSARY TO  
27 AID THE VICTIM OR SEXUAL ASSAULT COUNSELOR IN ACCOMPLISHING THE  
28 PURPOSES FOR WHICH THE SEXUAL ASSAULT COUNSELOR IS CONSULTED,  
29 INCLUDING, BUT NOT LIMITED TO, ANY ADVICE, REPORTS, STATISTICAL  
30 DATA, MEMORANDA, WORKING PAPERS, RECORDS OR THE LIKE, GIVEN OR

1 MADE DURING THAT RELATIONSHIP.

2 (B) PRIVILEGE.--[A SEXUAL ASSAULT COUNSELOR HAS A PRIVILEGE  
3 NOT TO BE EXAMINED AS A WITNESS IN ANY CIVIL OR CRIMINAL  
4 PROCEEDING WITHOUT THE PRIOR WRITTEN CONSENT OF THE VICTIM BEING  
5 COUNSELED BY THE COUNSELOR AS TO ANY CONFIDENTIAL COMMUNICATION  
6 MADE BY THE VICTIM TO THE COUNSELOR OR AS TO ANY ADVICE, REPORT  
7 OR WORKING PAPER GIVEN OR MADE IN THE COURSE OF THE  
8 CONSULTATION.] UNLESS A VICTIM OR PERSON IDENTIFIED IN  
9 SUBSECTION (C) WAIVES THE PRIVILEGE IN A SIGNED WRITING PRIOR TO  
10 TESTIMONY OR DISCLOSURE, A PERSON WHO RECEIVES, HEARS OR  
11 OTHERWISE OBSERVES A CONFIDENTIAL COMMUNICATION SHALL NOT BE  
12 COMPETENT NOR PERMITTED TO TESTIFY OR OTHERWISE DISCLOSE IN ANY  
13 ADMINISTRATIVE OR JUDICIAL PROCEEDING ANY CONFIDENTIAL  
14 COMMUNICATION. ADDITIONALLY, CONFIDENTIAL COMMUNICATIONS IN THE  
15 FORM OF ADVICE, REPORTS, STATISTICAL DATA, MEMORANDA, WORKING  
16 PAPERS, RECORDS OR THE LIKE SHALL NOT BE REVIEWED BY ANY PERSON  
17 OR USED IN ANY MANNER AS EVIDENCE IN ANY ADMINISTRATIVE OR  
18 JUDICIAL PROCEEDING.

19 (C) EXTENSION OF PRIVILEGE.--THIS PRIVILEGE SHALL EXTEND TO  
20 THOSE PERSONS WHO HAVE A SIGNIFICANT RELATIONSHIP WITH A VICTIM  
21 OF SEXUAL ASSAULT AND WHO SEEK ADVICE, COUNSELING OR ASSISTANCE  
22 FROM A SEXUAL ASSAULT COUNSELOR. FOR PURPOSES OF THIS  
23 SUBSECTION, A SIGNIFICANT RELATIONSHIP INCLUDES MEMBERS OF THE  
24 VICTIM'S IMMEDIATE FAMILY OR THOSE PERSONS WHO HAVE HAD A  
25 REASONABLY CLOSE RELATIONSHIP TO THE VICTIM OVER A PERIOD OF  
26 TIME.

27 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:  
28 § 6358. LIABILITY FOR CERTAIN COSTS.

29 ALL RECORD COSTS AND COSTS INCURRED IN THE DETENTION AND  
30 TRANSPORTATION OF ANY CHILD WHO ESCAPES FROM OR COMMITS ANY

1 CRIMINAL ACT WHILE UNDER COURT-ORDERED COMMITMENT TO AN APPROVED  
2 PROGRAM OR FACILITY SHALL BE BORNE BY THE CHILD'S COUNTY OF  
3 RESIDENCE.

4 SECTION 3. CHAPTER 63 OF TITLE 42 IS AMENDED BY ADDING A  
5 SUBCHAPTER TO READ:

6 SUBCHAPTER F

7 CHILD PROTECTIVE SERVICES

8 § 6371. FINDINGS AND PURPOSE.

9 ABUSED CHILDREN ARE IN URGENT NEED OF AN EFFECTIVE CHILD  
10 PROTECTIVE SERVICE TO PREVENT THEM FROM SUFFERING FURTHER INJURY  
11 AND IMPAIRMENT. IT IS THE PURPOSE OF THIS CHAPTER TO ENCOURAGE  
12 MORE COMPLETE REPORTING OF SUSPECTED CHILD ABUSE AND TO  
13 ESTABLISH IN EACH COUNTY A CHILD PROTECTIVE SERVICE CAPABLE OF  
14 INVESTIGATING SUCH REPORTS SWIFTLY AND COMPETENTLY, PROVIDING  
15 PROTECTION FOR CHILDREN FROM FURTHER ABUSE AND PROVIDING  
16 REHABILITATIVE SERVICES FOR CHILDREN AND PARENTS INVOLVED SO AS  
17 TO ENSURE THE CHILD'S WELL-BEING AND TO PRESERVE AND STABILIZE  
18 FAMILY LIFE WHEREVER APPROPRIATE. HOWEVER, NOTHING IN THIS  
19 SUBCHAPTER SHALL BE CONSTRUED TO RESTRICT THE GENERALLY  
20 RECOGNIZED EXISTING RIGHTS OF PARENTS TO USE REASONABLE  
21 SUPERVISION AND CONTROL WHEN RAISING THEIR CHILDREN.

22 § 6372. DEFINITIONS.

23 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
24 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
25 CONTEXT CLEARLY INDICATES OTHERWISE:

26 "CHILD ABUSE." SERIOUS PHYSICAL OR MENTAL INJURY WHICH IS NOT  
27 EXPLAINED BY THE AVAILABLE MEDICAL HISTORY AS BEING ACCIDENTAL,  
28 OR SEXUAL ABUSE OR SEXUAL EXPLOITATION, OR SERIOUS PHYSICAL  
29 NEGLECT, OF A CHILD UNDER EIGHTEEN YEARS OF AGE, IF THE INJURY,  
30 ABUSE OR NEGLECT HAS BEEN CAUSED BY THE ACTS OR OMISSIONS OF THE

1 CHILD'S PARENTS OR BY A PERSON RESPONSIBLE FOR THE CHILD'S  
2 WELFARE, OR ANY INDIVIDUAL RESIDING IN THE SAME HOME AS THE  
3 CHILD, OR A PARAMOUR OF A CHILD'S PARENT PROVIDED, HOWEVER, NO  
4 CHILD SHALL BE DEEMED TO BE PHYSICALLY OR MENTALLY ABUSED FOR  
5 THE SOLE REASON HE IS IN GOOD FAITH BEING FURNISHED TREATMENT BY  
6 SPIRITUAL MEANS THROUGH PRAYER ALONE IN ACCORDANCE WITH THE  
7 TENETS AND PRACTICES OF A RECOGNIZED CHURCH OR RELIGIOUS  
8 DENOMINATION BY A DULY ACCREDITED PRACTITIONER THEREOF OR IS NOT  
9 PROVIDED SPECIFIED MEDICAL TREATMENT IN THE PRACTICE OF  
10 RELIGIOUS BELIEFS, OR SOLELY ON THE GROUNDS OF ENVIRONMENTAL  
11 FACTORS WHICH ARE BEYOND THE CONTROL OF THE PERSON RESPONSIBLE  
12 FOR THE CHILD'S WELFARE SUCH AS INADEQUATE HOUSING, FURNISHINGS,  
13 INCOME, CLOTHING AND MEDICAL CARE.

14 "CHILD-CARE SERVICES." CHILD DAY-CARE CENTERS, GROUP AND  
15 FAMILY DAY-CARE HOMES, FOSTER HOMES, ADOPTIVE PARENTS, BOARDING  
16 HOMES FOR CHILDREN, JUVENILE DETENTION CENTER SERVICES OR  
17 PROGRAMS FOR DELINQUENT OR DEPENDENT CHILDREN; MENTAL HEALTH,  
18 MENTAL RETARDATION AND DRUG AND ALCOHOL SERVICES FOR CHILDREN;  
19 AND ANY OTHER CHILD-CARE SERVICES WHICH ARE PROVIDED BY OR  
20 SUBJECT TO APPROVAL, LICENSURE, REGISTRATION OR CERTIFICATION BY  
21 THE DEPARTMENT OF PUBLIC WELFARE OR A COUNTY SOCIAL SERVICES  
22 AGENCY OR WHICH ARE PROVIDED PURSUANT TO A CONTRACT WITH THESE  
23 DEPARTMENTS OR A COUNTY SOCIAL SERVICES AGENCY. THE TERM SHALL  
24 NOT INCLUDE SUCH SERVICES OR PROGRAMS WHICH MAY BE OFFERED BY  
25 PUBLIC AND PRIVATE SCHOOLS, INTERMEDIATE UNITS OR AREA  
26 VOCATIONAL-TECHNICAL SCHOOLS.

27 "CHILD PROTECTIVE SERVICE." THAT SECTION OF EACH COUNTY  
28 CHILDREN AND YOUTH SOCIAL SERVICE AGENCY REQUIRED TO BE  
29 ESTABLISHED BY SECTION 6385 (RELATING TO CHILD PROTECTIVE  
30 SERVICE RESPONSIBILITIES AND ORGANIZATION).

1 "COOPERATION WITH AN INVESTIGATION." THE TERM INCLUDES, BUT  
2 IS NOT LIMITED TO, A SCHOOL OR SCHOOL DISTRICT WHICH PERMITS  
3 AUTHORIZED PERSONNEL FROM THE DEPARTMENT OR CHILD PROTECTION  
4 SERVICES TO INTERVIEW A STUDENT WHILE THE STUDENT IS IN  
5 ATTENDANCE AT SCHOOL.

6 "DEPARTMENT." THE DEPARTMENT OF PUBLIC WELFARE OF THE  
7 COMMONWEALTH.

8 "EXPUNGE." TO STRIKE OUT OR OBLITERATE ENTIRELY SO THAT THE  
9 EXPUNGED INFORMATION MAY NOT BE STORED, IDENTIFIED, OR LATER  
10 RECOVERED BY ANY MEANS MECHANICAL, ELECTRONIC, OR OTHERWISE.

11 "FAMILY MEMBER." A SPOUSE, PARENT, CHILD OR OTHER PERSON  
12 RELATED BY CONSANGUINITY OR AFFINITY.

13 "FOUNDED REPORT." A REPORT MADE PURSUANT TO THIS SUBCHAPTER  
14 IF THERE HAS BEEN ANY JUDICIAL ADJUDICATION BASED ON A FINDING  
15 THAT A CHILD WHO IS A SUBJECT OF THE REPORT HAS BEEN ABUSED.

16 "INDICATED REPORT." A REPORT MADE PURSUANT TO THIS SUBCHAPTER  
17 IF AN INVESTIGATION BY THE CHILD PROTECTIVE SERVICE DETERMINES  
18 THAT SUBSTANTIAL EVIDENCE OF THE ALLEGED ABUSE EXISTS BASED ON  
19 (I) AVAILABLE MEDICAL EVIDENCE, (II) THE CHILD PROTECTIVE  
20 SERVICE INVESTIGATION OR (III) AN ADMISSION OF THE ACTS OF ABUSE  
21 BY THE CHILD'S PARENT OR PERSON RESPONSIBLE FOR THE CHILD'S  
22 WELFARE.

23 "SECRETARY." THE SECRETARY OF PUBLIC WELFARE.

24 "SEXUAL ABUSE." THE OBSCENE OR PORNOGRAPHIC PHOTOGRAPHING,  
25 FILMING OR DEPICTION OF CHILDREN FOR COMMERCIAL PURPOSES, OR THE  
26 RAPE, MOLESTATION, INCEST, PROSTITUTION, OR OTHER SUCH FORMS OF  
27 SEXUAL EXPLOITATION OF CHILDREN UNDER CIRCUMSTANCES WHICH  
28 INDICATE THAT THE CHILD'S HEALTH OR WELFARE IS HARMED OR  
29 THREATENED THEREBY, AS DETERMINED IN ACCORDANCE WITH REGULATIONS  
30 PRESCRIBED BY THE DEPARTMENT.

1 "SUBJECT OF THE REPORT." ANY CHILD REPORTED TO THE CENTRAL  
2 REGISTER OF CHILD ABUSE AND HIS PARENT, GUARDIAN OR OTHER PERSON  
3 RESPONSIBLE ALSO NAMED IN THE REPORT.

4 "SUBSTANCE-ABUSED CHILD." A CHILD WHO IS BORN WITH FETAL  
5 ALCOHOL SYNDROME, NEONATAL ABSTINENCE SYNDROME OR THE SYSTEMIC  
6 PRESENCE OF A SUBSTANCE LISTED IN CLAUSE (1) OR (2) OF SECTION 4  
7 OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE  
8 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," UNLESS THE  
9 NEONATAL ABSTINENCE SYNDROME OR SYSTEMIC CHEMICAL PRESENCE  
10 RELATES DIRECTLY TO A CHEMICAL SUBSTANCE LEGALLY MEDICALLY  
11 PRESCRIBED TO THE BIRTHMOTHER.

12 "UNDER INVESTIGATION." A REPORT PURSUANT TO THIS SUBCHAPTER  
13 WHICH IS BEING INVESTIGATED TO DETERMINE WHETHER IT IS FOUNDED,  
14 INDICATED, OR UNFOUNDED.

15 "UNFOUNDED REPORT." ANY REPORT MADE PURSUANT TO THIS  
16 SUBCHAPTER UNLESS THE REPORT IS A FOUNDED REPORT OR UNLESS AN  
17 INVESTIGATION BY THE APPROPRIATE CHILD PROTECTIVE SERVICE  
18 DETERMINES THAT THE REPORT IS AN INDICATED REPORT.

19 § 6373. PERSONS REQUIRED TO REPORT SUSPECTED ABUSE.

20 (A) GROUNDS.--ANY PERSONS WHO, IN THE COURSE OF THEIR  
21 EMPLOYMENT, OCCUPATION, OR PRACTICE OF THEIR PROFESSION COME  
22 INTO CONTACT WITH CHILDREN SHALL REPORT OR CAUSE A REPORT TO BE  
23 MADE IN ACCORDANCE WITH SECTION 6375 (RELATING TO REPORTING  
24 PROCEDURE) WHEN THEY HAVE REASON TO BELIEVE, ON THE BASIS OF  
25 THEIR MEDICAL, PROFESSIONAL OR OTHER TRAINING AND EXPERIENCE,  
26 THAT:

27 (1) A CHILD COMING BEFORE THEM IN THEIR PROFESSIONAL OR  
28 OFFICIAL CAPACITY IS AN ABUSED CHILD; OR

29 (2) A CHILD IS A SUBSTANCE-ABUSED CHILD.

30 (B) STAFF OF INSTITUTION.--WHENEVER ANY PERSON IS REQUIRED

1 TO REPORT UNDER SUBSECTION (C) IN HIS CAPACITY AS A MEMBER OF  
2 THE STAFF OF A MEDICAL OR OTHER PUBLIC OR PRIVATE INSTITUTION,  
3 SCHOOL, FACILITY, OR AGENCY, HE SHALL IMMEDIATELY NOTIFY THE  
4 PERSON IN CHARGE OF SUCH INSTITUTION, SCHOOL, FACILITY OR  
5 AGENCY, OR THE DESIGNATED AGENT OF THE PERSON IN CHARGE. UPON  
6 NOTIFICATION, SUCH PERSON IN CHARGE OR HIS DESIGNATED AGENT, IF  
7 ANY, SHALL ASSUME THE RESPONSIBILITY AND HAVE THE LEGAL  
8 OBLIGATION TO REPORT OR CAUSE A REPORT TO BE MADE IN ACCORDANCE  
9 WITH SECTION 6375. NOTHING IN THIS SUBCHAPTER IS INTENDED TO  
10 REQUIRE MORE THAN ONE REPORT FROM ANY SUCH INSTITUTION, SCHOOL  
11 OR AGENCY.

12 (C) PERSONS REQUIRED TO REPORT.--PERSONS REQUIRED TO REPORT  
13 UNDER SUBSECTION (A) INCLUDE, BUT ARE NOT LIMITED TO, ANY  
14 LICENSED PHYSICIAN, MEDICAL EXAMINER, CORONER, FUNERAL DIRECTOR,  
15 DENTIST, OSTEOPATH, OPTOMETRIST, CHIROPRACTOR, PODIATRIST,  
16 INTERN, REGISTERED NURSE, LICENSED PRACTICAL NURSE, HOSPITAL  
17 PERSONNEL ENGAGED IN THE ADMISSION, EXAMINATION, CARE OR  
18 TREATMENT OF PERSONS, A CHRISTIAN SCIENCE PRACTITIONER, SCHOOL  
19 ADMINISTRATOR, SCHOOL TEACHER, SCHOOL NURSE, SOCIAL SERVICES  
20 WORKER, DAY CARE CENTER WORKER OR ANY OTHER CHILD CARE OR FOSTER  
21 CARE WORKER, MENTAL HEALTH PROFESSIONAL, PEACE OFFICER OR LAW  
22 ENFORCEMENT OFFICIAL. THE PRIVILEGED COMMUNICATION BETWEEN ANY  
23 PROFESSIONAL PERSON REQUIRED TO REPORT AND HIS PATIENT OR CLIENT  
24 SHALL NOT APPLY TO SITUATIONS INVOLVING CHILD ABUSE AND SHALL  
25 NOT CONSTITUTE GROUNDS FOR FAILURE TO REPORT AS REQUIRED BY THIS  
26 SUBCHAPTER.

27 (D) UNLAWFUL DISCHARGE.--ANY PERSON WHO, UNDER THIS SECTION,  
28 IS REQUIRED TO REPORT OR CAUSE A REPORT OF SUSPECTED CHILD ABUSE  
29 TO BE MADE AND WHO, IN GOOD FAITH, MAKES OR CAUSES SAID REPORT  
30 TO BE MADE AND WHO, AS A RESULT THEREOF, IS DISCHARGED FROM HIS



1 EMPLOYMENT OR IN ANY OTHER MANNER IS DISCRIMINATED AGAINST WITH  
2 RESPECT TO COMPENSATION, HIRE, TENURE, TERMS, CONDITIONS OR  
3 PRIVILEGES OF EMPLOYMENT, MAY FILE A CAUSE OF ACTION IN THE  
4 COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE ALLEGED  
5 UNLAWFUL DISCHARGE OR DISCRIMINATION OCCURRED FOR APPROPRIATE  
6 RELIEF. IF THE COURT FINDS THAT THE INDIVIDUAL IS A PERSON WHO,  
7 UNDER THIS SECTION, IS REQUIRED TO REPORT OR CAUSE A REPORT OF  
8 SUSPECTED CHILD ABUSE TO BE MADE, THAT HE, IN GOOD FAITH, MADE  
9 OR CAUSED TO BE MADE A REPORT OF SUSPECTED CHILD ABUSE, AND THAT  
10 AS A RESULT THEREOF HE WAS DISCHARGED OR DISCRIMINATED AGAINST  
11 WITH RESPECT TO COMPENSATION, HIRE, TENURE, TERMS, CONDITIONS OR  
12 PRIVILEGES OF EMPLOYMENT, IT MAY ISSUE AN ORDER GRANTING  
13 APPROPRIATE RELIEF, INCLUDING BUT NOT LIMITED TO REINSTATEMENT  
14 WITH BACK PAY. THE DEPARTMENT MAY INTERVENE IN ANY ACTION  
15 BROUGHT PURSUANT TO THIS SUBSECTION.

16 § 6374. PERSONS PERMITTED TO REPORT.

17 IN ADDITION TO THOSE PERSONS AND OFFICIALS REQUIRED TO REPORT  
18 SUSPECTED CHILD ABUSE, ANY PERSON MAY MAKE SUCH A REPORT IF THAT  
19 PERSON HAS REASONABLE CAUSE TO SUSPECT THAT A CHILD IS AN ABUSED  
20 CHILD.

21 § 6375. REPORTING PROCEDURE.

22 (A) ORAL REPORTS.--REPORTS FROM PERSONS REQUIRED TO REPORT  
23 UNDER SECTION 6373 (RELATING TO PERSONS REQUIRED TO REPORT  
24 SUSPECTED ABUSE) SHALL BE MADE IMMEDIATELY BY TELEPHONE AND IN  
25 WRITING WITHIN 48 HOURS AFTER THE ORAL REPORT. ORAL REPORTS  
26 SHALL BE MADE TO THE DEPARTMENT PURSUANT TO SECTION 6383  
27 (RELATING TO RECORDKEEPING DUTIES OF DEPARTMENT) AND MAY BE MADE  
28 TO APPROPRIATE CHILD PROTECTIVE SERVICE.

29 (B) NOTICE TO DEPARTMENT.--WHEN ORAL REPORTS OF SUSPECTED  
30 ABUSE ARE INITIALLY RECEIVED AT THE CHILD PROTECTIVE SERVICE,

1 THE CHILD PROTECTIVE SERVICE SHALL, AFTER SEEING TO THE  
2 IMMEDIATE SAFETY OF THE CHILD AND OTHER CHILDREN IN THE HOME,  
3 IMMEDIATELY NOTIFY THE DEPARTMENT OF THE RECEIPT OF THE REPORT,  
4 WHICH IS TO BE HELD IN THE PENDING COMPLAINT FILE AS PROVIDED IN  
5 SECTION 6383. THE INITIAL CHILD ABUSE REPORT SUMMARY SHALL BE  
6 SUPPLEMENTED WITH A WRITTEN REPORT WHEN A DETERMINATION IS MADE  
7 AS TO WHETHER A REPORT OF SUSPECTED CHILD ABUSE IS A FOUNDED  
8 REPORT, AN UNFOUNDED REPORT OR AN INDICATED REPORT.

9 (C) WRITTEN REPORTS.--WRITTEN REPORTS FROM PERSONS REQUIRED  
10 TO REPORT UNDER SECTION 6373 SHALL BE MADE TO THE APPROPRIATE  
11 CHILD PROTECTIVE SERVICE IN A MANNER AND ON FORMS PRESCRIBED BY  
12 THE DEPARTMENT BY REGULATION. SUCH WRITTEN REPORTS SHALL INCLUDE  
13 THE FOLLOWING INFORMATION, IF AVAILABLE: THE NAMES AND ADDRESSES  
14 OF THE CHILD AND HIS PARENTS OR OTHER PERSON RESPONSIBLE FOR HIS  
15 CARE, IF KNOWN; WHERE THE SUSPECTED ABUSE OCCURRED; THE CHILD'S  
16 AGE, AND SEX; THE NATURE AND EXTENT OF THE SUSPECTED CHILD  
17 ABUSE, INCLUDING ANY EVIDENCE OF PRIOR ABUSE TO THE CHILD OR HIS  
18 SIBLINGS; THE NAME OF THE PERSON OR PERSONS RESPONSIBLE FOR  
19 CAUSING THE SUSPECTED ABUSE, IF KNOWN; FAMILY COMPOSITION;  
20 RELATIONSHIP OF THE SUSPECTED PERPETRATOR TO THE CHILD; THE  
21 SOURCE OF THE REPORT; THE PERSON MAKING THE REPORT AND WHERE HE  
22 CAN BE REACHED; THE ACTIONS TAKEN BY THE REPORTING SOURCE,  
23 INCLUDING THE TAKING OF PHOTOGRAPHS AND X-RAYS, REMOVAL OR  
24 KEEPING OF THE CHILD OR NOTIFYING THE MEDICAL EXAMINER OR  
25 CORONER; AND ANY OTHER INFORMATION WHICH THE DEPARTMENT MAY, BY  
26 REGULATION, REQUIRE.

27 (D) DUTY OF AGENCY.--THE FAILURE OF ANY PERSON REPORTING  
28 CASES OF SUSPECTED CHILD ABUSE TO CONFIRM AN ORAL REPORT IN  
29 WRITING WITHIN 48 HOURS SHALL IN NO WAY RELIEVE THE CHILD  
30 PROTECTIVE SERVICE FROM ANY DUTIES PRESCRIBED BY THIS

1 SUBCHAPTER. IN SUCH EVENT, THE CHILD PROTECTIVE SERVICE SHALL  
2 PROCEED AS IF A WRITTEN REPORT WERE ACTUALLY MADE.

3 (E) SUBSTANCE ABUSED CHILDREN.--REPORTS OF CHILDREN PURSUANT  
4 TO SECTION 6373(A)(2) RELATED TO SUBSTANCE-ABUSED CHILDREN SHALL  
5 NOT REQUIRE THE PROCEDURES OF SUBSECTION (B), (C) OR (D);  
6 HOWEVER THE DEPARTMENT SHALL MAINTAIN A SEPARATE STATEWIDE FILE  
7 OF THESE NEWBORNS PURSUANT TO SECTION 6383(A)(III).

8 § 6376. OBLIGATIONS OF PERSONS REQUIRED TO REPORT.

9 ANY PERSON OR OFFICIAL REQUIRED TO REPORT CASES OF SUSPECTED  
10 CHILD ABUSE MAY TAKE OR CAUSE TO BE TAKEN PHOTOGRAPHS OF THE  
11 AREAS OF TRAUMA VISIBLE ON A CHILD WHO IS SUBJECT TO A REPORT  
12 AND, IF MEDICALLY INDICATED, CAUSE TO BE PERFORMED A  
13 RADIOLOGICAL EXAMINATION ON THE CHILD. MEDICAL SUMMARIES OR  
14 REPORTS OF THE PHOTOGRAPHS OR X-RAYS TAKEN SHALL BE SENT TO THE  
15 CHILD PROTECTIVE SERVICE AT THE TIME THE WRITTEN REPORT IS SENT,  
16 OR AS SOON THEREAFTER AS POSSIBLE. CHILD PROTECTIVE SERVICES  
17 SHALL HAVE ACCESS TO THE ACTUAL PHOTOGRAPHS AND X-RAYS AND MAY  
18 OBTAIN THEM OR DUPLICATES OF THEM UPON REQUEST.

19 § 6377. TAKING A CHILD INTO PROTECTIVE CUSTODY.

20 (A) WHEN TAKEN.--A CHILD MAY BE TAKEN INTO CUSTODY:

21 (1) AS PROVIDED IN SECTION 6324 (RELATING TO TAKING INTO  
22 CUSTODY).

23 (2) BY A PHYSICIAN EXAMINING OR TREATING THE CHILD OR BY  
24 THE DIRECTOR, OR A PERSON SPECIFICALLY DESIGNATED IN WRITING  
25 BY SUCH DIRECTOR, OF ANY HOSPITAL OR OTHER MEDICAL  
26 INSTITUTION WHERE THE CHILD IS BEING TREATED, IF SUCH  
27 PROTECTIVE CUSTODY IS IMMEDIATELY NECESSARY TO PROTECT THE  
28 CHILD FROM FURTHER SERIOUS PHYSICAL INJURY, SEXUAL ABUSE OR  
29 SERIOUS PHYSICAL NEGLECT; PROVIDED THAT NO CHILD SHALL BE  
30 HELD IN SUCH CUSTODY FOR MORE THAN TWENTY-FOUR HOURS UNLESS

1 THE APPROPRIATE CHILD PROTECTIVE SERVICE IS IMMEDIATELY  
2 NOTIFIED THAT THE CHILD HAS BEEN TAKEN INTO CUSTODY AND THE  
3 CHILD PROTECTIVE SERVICE OBTAINS AN ORDER FROM A COURT OF  
4 COMPETENT JURISDICTION PERMITTING THE CHILD TO BE HELD IN  
5 CUSTODY FOR A LONGER PERIOD. THE COURTS OF COMMON PLEAS OF  
6 EACH JUDICIAL DISTRICT SHALL INSURE THAT A JUDGE IS AVAILABLE  
7 ON A 24-HOUR-A-DAY, 365-DAYS-A-YEAR BASIS TO ACCEPT AND  
8 DECIDE SUCH ACTIONS BROUGHT BY A CHILD PROTECTIVE SERVICE  
9 UNDER THIS SUBSECTION WITHIN SUCH 24-HOUR PERIOD.

10 (B) NOTICE TO PARENT, ETC.--ANY INDIVIDUAL TAKING A CHILD  
11 INTO PROTECTIVE CUSTODY UNDER THIS SUBCHAPTER SHALL IMMEDIATELY  
12 AND WITHIN 24 HOURS IN WRITING, NOTIFY THE CHILD'S PARENT,  
13 GUARDIAN OR OTHER CUSTODIAN OF THE CHILD'S WHEREABOUTS, THE  
14 REASONS FOR THE NEED TO TAKE THE CHILD INTO PROTECTIVE CUSTODY,  
15 AND SHALL IMMEDIATELY NOTIFY THE APPROPRIATE CHILD PROTECTIVE  
16 SERVICE IN ORDER THAT PROCEEDINGS UNDER THIS CHAPTER MAY BE  
17 INITIATED, IF APPROPRIATE.

18 (C) HEARING.--IN NO CASE SHALL PROTECTIVE CUSTODY UNDER THIS  
19 SUBCHAPTER BE MAINTAINED LONGER THAN 72 HOURS WITHOUT A  
20 DETENTION HEARING. IF AT THE DETENTION HEARING IT IS DETERMINED  
21 THAT PROTECTIVE CUSTODY SHALL BE CONTINUED, THE CHILD PROTECTIVE  
22 SERVICES AGENCY SHALL, WITHIN 48 HOURS FILE A PETITION WITH THE  
23 COURT UNDER THIS CHAPTER.

24 (D) APPROPRIATE FACILITY.--NO CHILD TAKEN INTO PROTECTIVE  
25 CUSTODY UNDER THIS SUBCHAPTER SHALL BE DETAINED DURING SUCH  
26 PROTECTIVE CUSTODY EXCEPT IN AN APPROPRIATE MEDICAL FACILITY,  
27 FOSTER HOME OR OTHER APPROPRIATE FACILITY APPROVED BY THE  
28 DEPARTMENT FOR THIS PURPOSE.

29 (E) CONFERENCE.--A CONFERENCE BETWEEN THE PARENT, GUARDIAN  
30 OR OTHER CUSTODIAN OF THE CHILD TAKEN INTO TEMPORARY PROTECTIVE

CUSTODY PURSUANT TO THIS SECTION AND THE CASE WORKER DESIGNATED BY THE CHILD PROTECTION SERVICE TO BE RESPONSIBLE FOR SUCH CHILD SHALL BE HELD WITHIN 48 HOURS OF THE TIME THAT THE CHILD IS TAKEN INTO SUCH CUSTODY FOR THE PURPOSE OF (I) EXPLAINING TO SUCH PARENT, GUARDIAN OR OTHER CUSTODIAN THE REASONS FOR THE TEMPORARY DETENTION OF THE CHILD AND THE WHEREABOUTS OF THE CHILD, AND (II) TO EXPEDITE, WHEREVER POSSIBLE, THE RETURN OF THE CHILD TO THE CUSTODY OF SUCH PARENT, GUARDIAN OR OTHER CUSTODIAN WHERE SUCH CUSTODY IS NO LONGER NECESSARY.

§ 6378. ADMISSION TO HOSPITALS.

(A) MEDICAL CARE.--CHILDREN APPEARING TO SUFFER ANY PHYSICAL OR MENTAL TRAUMA WHICH MAY CONSTITUTE CHILD ABUSE, SHALL BE ADMITTED TO AND TREATED IN APPROPRIATE FACILITIES OF PRIVATE AND PUBLIC HOSPITALS ON THE BASIS OF MEDICAL NEED AND SHALL NOT BE REFUSED OR DEPRIVED IN ANY WAY OF PROPER MEDICAL TREATMENT AND CARE.

(B) ENFORCEMENT.--THE FAILURE OF ANY SUCH HOSPITAL TO ADMIT AND PROPERLY TREAT AND CARE FOR A CHILD PURSUANT TO SUBSECTION (A) SHALL BE CAUSE FOR THE DEPARTMENT TO ORDER IMMEDIATE ADMITTANCE, TREATMENT, AND CARE BY THE HOSPITAL, WHICH SHALL BE ENFORCEABLE, IF NECESSARY, BY THE PROMPT INSTITUTION OF AN EQUITY ACTION BY THE DEPARTMENT. IN ADDITION THE CHILD, THROUGH HIS ATTORNEY, SHALL, INDEPENDENT OF THE ABOVE, HAVE A RIGHT TO SEEK IMMEDIATE INJUNCTIVE RELIEF AND INSTITUTE AN APPROPRIATE CIVIL ACTION FOR DAMAGES AGAINST THE HOSPITAL.

§ 6379. MANDATORY REPORTING AND POSTMORTEM INVESTIGATION OF DEATHS.

ANY PERSON OR OFFICIAL REQUIRED TO REPORT CASES OF SUSPECTED CHILD ABUSE, INCLUDING EMPLOYEES OF A COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCY, AND ITS CHILD PROTECTIVE SERVICE, WHO HAS

1 REASONABLE CAUSE TO SUSPECT THAT A CHILD DIED AS A RESULT OF  
2 CHILD ABUSE SHALL REPORT THAT FACT TO THE CORONER. THE CORONER  
3 SHALL ACCEPT THE REPORT FOR INVESTIGATION AND SHALL REPORT HIS  
4 FINDING TO THE POLICE, THE DISTRICT ATTORNEY, THE APPROPRIATE  
5 CHILD PROTECTIVE SERVICE AND, IF THE REPORT IS MADE BY A  
6 HOSPITAL, THE HOSPITAL.

7 § 6380. IMMUNITY FROM LIABILITY.

8 ANY PERSON, HOSPITAL, INSTITUTION, SCHOOL, FACILITY OR AGENCY  
9 PARTICIPATING IN GOOD FAITH IN THE MAKING OF A REPORT,  
10 COOPERATING WITH AN INVESTIGATION OR TESTIFYING IN ANY  
11 PROCEEDING ARISING OUT OF AN INSTANCE OF SUSPECTED CHILD ABUSE,  
12 THE TAKING OF PHOTOGRAPHS, OR THE REMOVAL OR KEEPING OF A CHILD  
13 PURSUANT TO SECTION 6377 (RELATING TO PROTECTIVE CUSTODY), SHALL  
14 HAVE IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT MIGHT  
15 OTHERWISE RESULT BY REASON OF SUCH ACTIONS. FOR THE PURPOSE OF  
16 ANY PROCEEDING, CIVIL OR CRIMINAL, THE GOOD FAITH OF ANY PERSON  
17 REQUIRED TO REPORT PURSUANT TO SECTION 6377 SHALL BE PRESUMED.

18 § 6381. PENALTIES FOR FAILURE TO REPORT.

19 ANY PERSON OR OFFICIAL REQUIRED BY THIS SUBCHAPTER TO REPORT  
20 A CASE OF SUSPECTED CHILD ABUSE WHO WILLFULLY FAILS TO DO SO  
21 SHALL BE GUILTY OF A SUMMARY OFFENSE, EXCEPT THAT FOR A SECOND  
22 OR SUBSEQUENT OFFENSE SHALL BE GUILTY OF A MISDEMEANOR OF THE  
23 THIRD DEGREE.

24 § 6382. EDUCATION AND TRAINING.

25 THE DEPARTMENT AND EACH CHILD PROTECTIVE SERVICE, BOTH  
26 JOINTLY AND INDIVIDUALLY, SHALL CONDUCT A CONTINUING PUBLICITY  
27 AND EDUCATION PROGRAM FOR THE CITIZENS OF THE COMMONWEALTH AIMED  
28 AT THE PREVENTION OF CHILD ABUSE, THE IDENTIFICATION OF ABUSED  
29 CHILDREN, AND THE PROVISION OF NECESSARY AMELIORATIVE SERVICES  
30 TO ABUSED CHILDREN AND THEIR FAMILIES. IN ADDITION, THE

1 DEPARTMENT AND EACH CHILD PROTECTIVE SERVICE SHALL CONDUCT AN  
2 ONGOING TRAINING AND EDUCATION PROGRAM FOR LOCAL STAFF, PERSONS  
3 REQUIRED TO REPORT, AND OTHER APPROPRIATE PERSONS IN ORDER TO  
4 FAMILIARIZE SUCH PERSONS WITH THE REPORTING AND INVESTIGATIVE  
5 PROCEDURES FOR CASES OF SUSPECTED CHILD ABUSE AND THE  
6 REHABILITATIVE SERVICES THAT ARE AVAILABLE TO CHILDREN AND  
7 FAMILIES.

8 § 6383. RECORDKEEPING DUTIES OF DEPARTMENT.

9 (A) FILES AND REGISTER.--THERE SHALL BE ESTABLISHED IN THE  
10 DEPARTMENT:

11 (1) A PENDING COMPLAINT FILE OF CHILD ABUSE REPORTS UNDER  
12 INVESTIGATION;

13 (2) A STATEWIDE CENTRAL REGISTER OF CHILD ABUSE, WHICH  
14 SHALL CONSIST OF FOUNDED AND INDICATED REPORTS OF CHILD  
15 ABUSE; AND

16 (3) A STATEWIDE FILE OF SUBSTANCE-ABUSED CHILDREN.

17 SUCH INFORMATION SHALL NOT BE CONSIDERED OR INCLUDED BY THE  
18 DEPARTMENT IN CERTIFICATIONS PURSUANT TO SECTION 6393 (RELATING  
19 TO INFORMATION).

20 (B) DEPARTMENT TO RECEIVE REPORTS AT ALL TIMES.--THE  
21 DEPARTMENT SHALL BE CAPABLE OF RECEIVING ORAL REPORTS OF CHILD  
22 ABUSE MADE PURSUANT TO THIS SUBCHAPTER AND REPORT SUMMARIES OF  
23 CHILD ABUSE FROM CHILD PROTECTIVE SERVICES AND SHALL BE CAPABLE  
24 OF IMMEDIATELY IDENTIFYING PRIOR REPORTS OF CHILD ABUSE IN THE  
25 STATEWIDE CENTRAL REGISTER AND REPORTS UNDER INVESTIGATION IN  
26 THE PENDING COMPLAINT FILE AND OF MONITORING THE PROVISION OF  
27 CHILD PROTECTIVE SERVICES 24 HOURS A DAY, SEVEN DAYS A WEEK.

28 (C) REPORTS.--THE DEPARTMENT SHALL ESTABLISH A SINGLE  
29 STATEWIDE TOLL-FREE TELEPHONE NUMBER THAT ALL PERSONS, WHETHER  
30 MANDATED BY LAW OR NOT, MAY USE TO REPORT CASES OF SUSPECTED

1 CHILD ABUSE. A CHILD PROTECTIVE SERVICE MAY USE THE STATEWIDE  
2 TOLL-FREE TELEPHONE NUMBER FOR DETERMINING THE EXISTENCE OF  
3 PRIOR FOUNDED OR INDICATED REPORTS OF CHILD ABUSE IN THE  
4 STATEWIDE CENTRAL REGISTER OR REPORTS UNDER INVESTIGATION IN THE  
5 PENDING COMPLAINT FILE. A CHILD PROTECTIVE SERVICE MAY ONLY  
6 REQUEST AND RECEIVE INFORMATION PURSUANT TO THIS SUBSECTION  
7 EITHER ON ITS OWN BEHALF BECAUSE IT HAS RECEIVED A REPORT OF  
8 SUSPECTED CHILD ABUSE OR ON BEHALF OF A PHYSICIAN EXAMINING OR  
9 TREATING A CHILD OR ON BEHALF OF THE DIRECTOR OR A PERSON  
10 SPECIFICALLY DESIGNATED IN WRITING BY SUCH DIRECTOR OF ANY  
11 HOSPITAL OR OTHER MEDICAL INSTITUTION WHERE A CHILD IS BEING  
12 TREATED, WHERE THE PHYSICIAN OR THE DIRECTOR OR A PERSON  
13 SPECIFICALLY DESIGNATED IN WRITING BY SUCH DIRECTOR SUSPECTS THE  
14 CHILD OF BEING AN ABUSED CHILD.

15 (D) CONFIDENTIAL INFORMATION.--EXCEPT AS PROVIDED IN  
16 SUBSECTIONS (F) AND (M) AND SECTION 6384 (RELATING TO  
17 CONFIDENTIALITY OF RECORDS), NO INFORMATION SHALL BE RELEASED  
18 FROM THE STATEWIDE CENTRAL REGISTER OR PENDING COMPLAINT FILE  
19 UNLESS PURSUANT TO SUBSECTION (C) AND UNLESS THE DEPARTMENT HAS  
20 POSITIVELY IDENTIFIED THE REPRESENTATIVE OF THE CHILD PROTECTIVE  
21 SERVICE REQUESTING THE INFORMATION AND THE DEPARTMENT HAS  
22 INQUIRED INTO AND IS SATISFIED THAT SUCH PERSON HAS A LEGITIMATE  
23 NEED, WITHIN THE SCOPE OF HIS OFFICIAL DUTIES AND THE PROVISIONS  
24 OF SUBSECTION (C), TO OBTAIN SUCH INFORMATION. INFORMATION IN  
25 THE STATEWIDE CENTRAL REGISTER OR PENDING COMPLAINT FILE SHALL  
26 NOT BE RELEASED FOR ANY PURPOSE OR TO ANY INDIVIDUAL NOT  
27 SPECIFIED IN SECTION 6384.

28 (E) PERSONS RECEIVING INFORMATION.--EXCEPT AS PROVIDED IN  
29 SUBSECTIONS (F) AND (M), PERSONS RECEIVING INFORMATION FROM THE  
30 STATEWIDE CENTRAL REGISTER OR PENDING COMPLAINT FILE MAY BE



1 INFORMED ONLY AS TO WHETHER THE REPORT IS A FOUNDED OR INDICATED  
2 ABUSE OR IS UNDER INVESTIGATION, THE NUMBER OF SUCH REPORTS, THE  
3 NATURE AND EXTENT OF THE ALLEGED OR ACTUAL INSTANCES OF CHILD  
4 ABUSE, AND THE COUNTY IN WHICH SUCH REPORTS ARE INVESTIGATED.

5 (F) NOTICE TO AGENCY.--UPON RECEIPT OF A COMPLAINT OF  
6 SUSPECTED CHILD ABUSE THE DEPARTMENT SHALL FORTHWITH TRANSMIT  
7 ORALLY TO THE APPROPRIATE CHILD PROTECTIVE SERVICE NOTICE THAT  
8 SUCH COMPLAINT OF SUSPECTED CHILD ABUSE HAS BEEN RECEIVED AND  
9 THE SUBSTANCE OF THAT COMPLAINT. IF THE STATEWIDE CENTRAL  
10 REGISTER OR THE PENDING COMPLAINT FILE CONTAINS INFORMATION  
11 INDICATING A PREVIOUS REPORT OR A CURRENT INVESTIGATION  
12 CONCERNING A SUBJECT OF SUCH REPORT, THE DEPARTMENT SHALL  
13 IMMEDIATELY NOTIFY THE APPROPRIATE CHILD PROTECTIVE SERVICE OF  
14 THIS FACT. IF THE COMPLAINT RECEIVED DOES NOT SUGGEST SUSPECTED  
15 CHILD ABUSE BUT DOES SUGGEST A NEED FOR SOCIAL SERVICES OR OTHER  
16 SERVICES OR INVESTIGATION, THE DEPARTMENT SHALL TRANSMIT SUCH  
17 INFORMATION TO THE COUNTY CHILDREN AND YOUTH SOCIAL SERVICES  
18 AGENCY OR OTHER PUBLIC AGENCY FOR APPROPRIATE ACTION. SUCH  
19 INFORMATION SHALL NOT BE CONSIDERED A CHILD ABUSE REPORT UNLESS  
20 THE AGENCY TO WHICH THE INFORMATION WAS REFERRED, HAS REASON TO  
21 BELIEVE AFTER INVESTIGATION THAT ABUSE OCCURRED. IF THE AGENCY  
22 HAS REASON TO BELIEVE THAT ABUSE OCCURRED, THE AGENCY SHALL  
23 NOTIFY THE DEPARTMENT AND THE INITIAL COMPLAINT SHALL BE  
24 CONSIDERED TO HAVE BEEN A CHILD ABUSE REPORT. NO INFORMATION  
25 OTHER THAN THAT PERMITTED IN SUBSECTION (I) SHALL BE RETAINED IN  
26 THE STATEWIDE CENTRAL REGISTER, THE PENDING COMPLAINT FILE OR  
27 OTHERWISE BY THE DEPARTMENT.

28 (G) RECORDS.--UPON RECEIPT OF A COMPLAINT OF SUSPECTED CHILD  
29 ABUSE, THE DEPARTMENT SHALL MAINTAIN A RECORD OF THE COMPLAINT  
30 OF SUSPECTED CHILD ABUSE IN THE PENDING COMPLAINT FILE. NO

1 INFORMATION OTHER THAN THAT PERMITTED TO BE RETAINED IN THE  
2 STATEWIDE CENTRAL REGISTER IN SUBSECTION (I) SHALL BE RETAINED  
3 IN THE PENDING COMPLAINT FILE. EXCEPT AS PROVIDED IN SUBSECTIONS  
4 (C), (F) AND (M) AND SECTION 6384, NO PERSON, OTHER THAN AN  
5 EMPLOYE OF THE DEPARTMENT IN THE COURSE OF HIS OFFICIAL DUTIES  
6 IN CONNECTION WITH THE DEPARTMENT'S RESPONSIBILITIES UNDER THIS  
7 SUBCHAPTER SHALL AT ANY TIME HAVE ACCESS TO ANY INFORMATION IN  
8 THE PENDING COMPLAINT FILE OR STATEWIDE CENTRAL REGISTER.

9 (H) UNFOUNDED REPORTS.--WHEN A REPORT OF SUSPECTED CHILD  
10 ABUSE IS DETERMINED BY THE APPROPRIATE CHILD PROTECTIVE SERVICE  
11 TO BE A FOUNDED REPORT OR AN INDICATED REPORT, THE INFORMATION  
12 CONCERNING SUCH REPORT OF SUSPECTED CHILD ABUSE SHALL BE  
13 EXPUNGED FORTHWITH FROM THE PENDING COMPLAINT FILE AND AN  
14 APPROPRIATE ENTRY SHALL BE MADE IN THE STATEWIDE CENTRAL  
15 REGISTER. NOTICE OF SUCH DETERMINATION MUST BE GIVEN TO THE  
16 SUBJECTS OF THE REPORT OTHER THAN THE ABUSED CHILD ALONG WITH AN  
17 EXPLANATION OF THE IMPLICATIONS OF SUCH A FINDING. NOTICE GIVEN  
18 TO SUBJECTS OF THE REPORT SHALL INCLUDE NOTICE THAT THEIR  
19 ABILITY TO OBTAIN EMPLOYMENT IN A CHILD CARE FACILITY OR PROGRAM  
20 MAY BE ADVERSELY AFFECTED BY ENTRY OF THE REPORT IN THE  
21 STATEWIDE CENTRAL REGISTER. THE NOTICE SHALL ALSO INFORM THE  
22 SUBJECT OF THE REPORT OF HIS RIGHT, AT ANY TIME, TO REQUEST THE  
23 SECRETARY TO AMEND, SEAL OR EXPUNGE INFORMATION CONTAINED IN THE  
24 STATEWIDE CENTRAL REGISTER AND HIS RIGHT TO A HEARING IF THE  
25 REQUEST IS DENIED. WHEN A REPORT OF SUSPECTED CHILD ABUSE IS  
26 DETERMINED BY THE APPROPRIATE CHILD PROTECTIVE SERVICE TO BE AN  
27 UNFOUNDED REPORT, THE INFORMATION CONCERNING SUCH REPORT OF  
28 SUSPECTED CHILD ABUSE SHALL BE EXPUNGED FROM THE PENDING  
29 COMPLAINT FILE WITHIN 12 MONTHS OF THE DATE THE REPORT WAS  
30 RECEIVED BY THE DEPARTMENT AND NO INFORMATION OTHER THAN THAT

1 AUTHORIZED BY SUBSECTION (K), WHICH SHALL NOT INCLUDE ANY  
2 IDENTIFYING INFORMATION ON ANY SUBJECT OF SUCH REPORT, SHALL BE  
3 RETAINED BY THE DEPARTMENT.

4 (I) CONTENT OF CENTRAL REGISTER.--THE STATEWIDE CENTRAL  
5 REGISTER SHALL INCLUDE AND SHALL BE LIMITED TO THE FOLLOWING  
6 INFORMATION: THE NAMES, SOCIAL SECURITY NUMBERS, AGE AND SEX OF  
7 THE SUBJECTS OF THE REPORTS; THE DATE OR DATES AND THE NATURE  
8 AND EXTENT OF THE ALLEGED INSTANCES OF SUSPECTED CHILD ABUSE;  
9 THE HOME ADDRESSES OF SUBJECTS OF THE REPORT; THE COUNTY IN  
10 WHICH THE SUSPECTED ABUSE OCCURRED; FAMILY COMPOSITION; THE NAME  
11 AND RELATIONSHIP TO THE ABUSED CHILD OF THE PERSON OR PERSONS  
12 RESPONSIBLE FOR CAUSING THE ABUSE; THE SOURCE OF THE REPORT;  
13 SERVICES PLANNED OR PROVIDED; WHETHER THE REPORT IS A FOUNDED  
14 REPORT OR AN INDICATED REPORT; AND THE PROGRESS OF ANY LEGAL  
15 PROCEEDINGS BROUGHT ON THE BASIS OF THE REPORT OF SUSPECTED  
16 CHILD ABUSE.

17 (J) DEPARTMENTAL INQUIRY.--IF, WITHIN 30 DAYS FROM THE DATE  
18 OF AN INITIAL REPORT OF SUSPECTED CHILD ABUSE, THE APPROPRIATE  
19 CHILD PROTECTIVE SERVICE HAS NOT PROPERLY INVESTIGATED SUCH  
20 REPORT AND INFORMED THE DEPARTMENT THAT THE REPORT IS AN  
21 INDICATED REPORT OR AN UNFOUNDED REPORT, UNLESS WITHIN THAT SAME  
22 30-DAY PERIOD THE REPORT IS DETERMINED TO BE A FOUNDED REPORT,  
23 THE DEPARTMENT SHALL IMMEDIATELY BEGIN AN INQUIRY INTO THE  
24 PERFORMANCE OF THE CHILD PROTECTIVE SERVICE. THE INQUIRY MAY  
25 INCLUDE A PERFORMANCE AUDIT OF THE CHILD PROTECTIVE SERVICE AS  
26 PROVIDED IN SECTION 6389 (RELATING TO PERFORMANCE AUDIT). ON THE  
27 BASIS OF THAT INQUIRY, THE DEPARTMENT IS AUTHORIZED, AND ITS  
28 DUTY SHALL BE, TO TAKE APPROPRIATE ACTION TO REQUIRE THAT THE  
29 PROVISIONS OF THIS SUBCHAPTER BE STRICTLY FOLLOWED. THIS ACTION  
30 MAY INCLUDE, WITHOUT LIMITATION, THE INSTITUTION OF APPROPRIATE

1 LEGAL ACTION AND THE WITHHOLDING OF REIMBURSEMENT FOR ALL OR  
2 PART OF THE ACTIVITIES OF THE COUNTY CHILDREN AND YOUTH SOCIAL  
3 SERVICE AGENCY.

4 (K) EXPUNGEMENT OF RECORDS.--IF AN INVESTIGATION OF A REPORT  
5 OF SUSPECTED CHILD ABUSE CONDUCTED BY THE APPROPRIATE CHILD  
6 PROTECTIVE SERVICE PURSUANT TO THIS SUBCHAPTER DOES NOT  
7 DETERMINE WITHIN 60 DAYS OF THE DATE OF THE INITIAL REPORT OF  
8 SUCH INSTANCE OF SUSPECTED CHILD ABUSE THAT THE REPORT IS AN  
9 INDICATED REPORT OR AN UNFOUNDED REPORT, UNLESS WITHIN THAT SAME  
10 60-DAY PERIOD COURT ACTION HAS BEEN INITIATED AND IS RESPONSIBLE  
11 FOR THE DELAY, THE REPORT SHALL BE CONSIDERED TO BE AN UNFOUNDED  
12 REPORT AND ALL INFORMATION IDENTIFYING THE SUBJECTS OF SUCH  
13 REPORT SHALL BE EXPUNGED WITHIN 12 MONTHS. THE AGENCY SHALL SO  
14 ADVISE THE DEPARTMENT THAT COURT ACTION HAS BEEN INITIATED SO  
15 THAT THE PENDING COMPLAINT FILE IS KEPT UP-TO-DATE REGARDING THE  
16 STATUS OF ALL LEGAL PROCEEDINGS AND EXPUNGEMENT DELAYED. NOTHING  
17 IN THIS SUBSECTION SHALL IN ANY WAY LIMIT THE POWERS AND DUTIES  
18 OF THE DEPARTMENT AS PROVIDED IN SUBSECTION (J).

19 (L) ENFORCEMENT.--ALL INFORMATION IDENTIFYING THE SUBJECTS  
20 OF ANY REPORT OF SUSPECTED CHILD ABUSE DETERMINED TO BE AN  
21 UNFOUNDED REPORT SHALL BE EXPUNGED FROM THE PENDING COMPLAINT  
22 FILE WITHIN 12 MONTHS OF THE DATE THE REPORT WAS RECEIVED BY THE  
23 DEPARTMENT. SUCH EXPUNGEMENT SHALL BE MANDATED AND GUARANTEED BY  
24 THE DEPARTMENT. PERSONS OR OFFICIALS AUTHORIZED TO KEEP SUCH  
25 RECORDS AS MENTIONED IN THIS SUBSECTION AND SUBSECTION (N) WHO  
26 WILLFULLY FAILS TO DO SO SHALL BE GUILTY OF A SUMMARY OFFENSE,  
27 EXCEPT THAT FOR A SECOND AND SUBSEQUENT OFFENSE SHALL BE GUILTY  
28 OF A MISDEMEANOR OF THE THIRD DEGREE. FURTHERMORE, THE ATTORNEY  
29 GENERAL SHALL CONDUCT A MANDATED AUDIT DONE RANDOMLY BUT AT  
30 LEAST ONCE DURING EACH YEAR ON AN UNANNOUNCED BASIS TO ENSURE

1 THAT THE EXPUNGEMENT REQUIREMENTS ARE BEING FULLY AND PROPERLY  
2 CONDUCTED.

3 (M) STUDIES.--THE DEPARTMENT MAY CONDUCT OR AUTHORIZE THE  
4 CONDUCTING OF STUDIES OF THE DATA CONTAINED IN THE PENDING  
5 COMPLAINT FILE AND THE STATEWIDE CENTRAL REGISTERS AND COUNTY  
6 AGENCIES AND DISTRIBUTE THE RESULTS OF SUCH STUDIES, PROVIDED  
7 THAT NO SUCH STUDY SHALL CONTAIN THE NAME OR OTHER INFORMATION  
8 BY WHICH A SUBJECT OF A REPORT COULD BE IDENTIFIED. FURTHERMORE,  
9 THE DEPARTMENT MAY ALLOW FEDERAL AUDITORS ACCESS TO  
10 NONIDENTIFIABLE DUPLICATES OF REPORTS IN THE PENDING COMPLAINT  
11 FILE AND THE STATEWIDE CENTRAL REGISTER IF REQUIRED FOR FEDERAL  
12 FINANCIAL PARTICIPATION IN FUNDING OF AGENCIES.

13 (N) IDENTIFYING INFORMATION.--ALL INFORMATION IDENTIFYING  
14 THE SUBJECTS OF ALL INDICATED REPORTS AND ALL INFORMATION  
15 IDENTIFYING THE SUBJECT CHILD OF ALL FOUNDED REPORTS SHALL BE  
16 EXPUNGED WHEN THE SUBJECT CHILD REACHES THE AGE OF 18, UNLESS  
17 ANOTHER REPORT IS RECEIVED INVOLVING THE SAME CHILD, HIS SIBLING  
18 OR OFFSPRING OR ANOTHER CHILD IN THE CARE OF THE PERSONS  
19 RESPONSIBLE FOR THE SUBJECT CHILD'S WELFARE. THE IDENTIFYING  
20 INFORMATION MAY THEN BE MAINTAINED IN THE REGISTER FOR FIVE  
21 YEARS AFTER THE SUBSEQUENT CASE OR REPORT IS CLOSED. SUCH  
22 EXPUNGEMENT SHALL BE MANDATED PURSUANT TO SUBSECTION (L).

23 (O) AMENDMENT, SEALING, ETC.--AT ANY TIME, THE SECRETARY MAY  
24 AMEND, SEAL OR EXPUNGE ANY RECORD UPON GOOD CAUSE SHOWN AND  
25 NOTICE TO THE APPROPRIATE SUBJECTS OF THE REPORT. ONCE SEALED, A  
26 RECORD SHALL NOT BE OTHERWISE AVAILABLE EXCEPT AS PROVIDED IN  
27 SUBSECTION (M) OR EXCEPT IF THE SECRETARY, UPON NOTICE TO THE  
28 SUBJECTS OF THE REPORT, GIVES HIS PERSONAL APPROVAL FOR AN  
29 APPROPRIATE REASON.

30 (P) CONTROL AND DISPOSITION OF RECORDS.--FILES, REPORTS AND

1 RECORDS RELATING TO CHILD ABUSE COLLECTED OR FILED BY AND IN THE  
2 DEPARTMENT PRIOR TO NOVEMBER 26, 1975, ARE UNDER THE CONTROL OF  
3 THE DEPARTMENT PURSUANT TO THIS SUBCHAPTER. WITHIN SIX MONTHS OF  
4 NOVEMBER 26, 1975, THE DEPARTMENT SHALL HAVE DESTROYED ALL  
5 INDIVIDUALLY IDENTIFIABLE RECORDS CONCERNING CHILD ABUSE EXCEPT  
6 FOR THE PURPOSES OF STATISTICAL STUDY BY THE DEPARTMENT PURSUANT  
7 TO SUBSECTION (M).

8 § 6384. CONFIDENTIALITY OF RECORDS.

9 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SECTION 6383  
10 (RELATING TO RECORDKEEPING DUTIES OF THE DEPARTMENT) REPORTS  
11 MADE PURSUANT TO THIS SUBCHAPTER, INCLUDING, BUT NOT LIMITED TO,  
12 REPORT SUMMARIES OF CHILD ABUSE MADE PURSUANT TO SECTION 6375(B)  
13 (RELATING TO REPORTING PROCEDURE) AND WRITTEN REPORTS MADE  
14 PURSUANT TO SECTION 6375(C) AS WELL AS ANY OTHER INFORMATION  
15 OBTAINED, REPORTS WRITTEN OR PHOTOGRAPHS OR X-RAYS TAKEN  
16 CONCERNING ALLEGED INSTANCES OF CHILD ABUSE IN THE POSSESSION OF  
17 THE DEPARTMENT, A COUNTY CHILDREN AND YOUTH SOCIAL SERVICE  
18 AGENCY OR A CHILD PROTECTIVE SERVICE SHALL BE CONFIDENTIAL AND  
19 SHALL ONLY BE MADE AVAILABLE TO:

20 (1) AN AUTHORIZED OFFICIAL OF A CHILD PROTECTIVE SERVICE  
21 IN THE COURSE OF HIS OFFICIAL DUTIES, MULTIDISCIPLINARY TEAM  
22 MEMBERS ASSIGNED TO THE CASE, AND AUTHORIZED PERSONS  
23 PROVIDING SERVICES PURSUANT TO SECTION 6386(8) (RELATING TO  
24 ABUSE REPORTS).

25 (2) A PHYSICIAN EXAMINING OR TREATING A CHILD OR THE  
26 DIRECTOR OR A PERSON SPECIFICALLY DESIGNATED IN WRITING BY  
27 SUCH DIRECTOR OF ANY HOSPITAL OR OTHER MEDICAL INSTITUTION  
28 WHERE A CHILD IS BEING TREATED, WHERE THE PHYSICIAN OR THE  
29 DIRECTOR OR HIS DESIGNEE SUSPECT THE CHILD OF BEING AN ABUSED  
30 CHILD.

1 (3) A GUARDIAN AD LITEM FOR THE CHILD.

2 (4) AN AUTHORIZED OFFICIAL OR AGENT OF THE DEPARTMENT IN  
3 ACCORDANCE WITH DEPARTMENT REGULATIONS OR IN ACCORDANCE WITH  
4 THE CONDUCT OF A PERFORMANCE AUDIT AS AUTHORIZED BY SECTION  
5 6389 (RELATING TO PERFORMANCE AUDIT).

6 (5) A COURT OF COMPETENT JURISDICTION PURSUANT TO A  
7 COURT ORDER.

8 (6) A STANDING COMMITTEE OF THE GENERAL ASSEMBLY, AS  
9 SPECIFIED IN SECTION 6394 (RELATING TO LEGISLATIVE  
10 OVERSIGHT).

11 (7) THE ATTORNEY GENERAL.

12 (8) FEDERAL AUDITORS IF REQUIRED FOR FEDERAL FINANCIAL  
13 PARTICIPATION IN FUNDING OF AGENCIES PROVIDED THAT FEDERAL  
14 AUDITORS MAY NOT HAVE ACCESS TO IDENTIFIABLE REPORTS.

15 (9) LAW ENFORCEMENT OFFICIALS IN THE COURSE OF  
16 INVESTIGATING CASES OF (I) HOMICIDE, SEXUAL ABUSE OR  
17 EXPLOITATION, OR SERIOUS BODILY INJURY AS PERPETRATED BY  
18 PERSONS WHETHER RELATED OR NOT RELATED TO THE VICTIM; (II)  
19 CHILD ABUSE PERPETRATED BY PERSONS WHO ARE NOT FAMILY  
20 MEMBERS; OR (III) REPEATED PHYSICAL INJURY TO A CHILD UNDER  
21 CIRCUMSTANCES WHICH INDICATE THAT THE CHILD'S HEALTH OR  
22 WELFARE IS HARMED OR THREATENED.

23 (10) LAW ENFORCEMENT OFFICIALS, WHO SHALL RECEIVE  
24 REPORTS OF ABUSE IN WHICH THE INITIAL REVIEW GIVES EVIDENCE  
25 THAT THE ABUSE IS HOMICIDE, SEXUAL ABUSE OR EXPLOITATION,  
26 SERIOUS BODILY INJURY PERPETRATED BY PERSONS WHETHER RELATED  
27 OR NOT RELATED TO THE VICTIM OR CHILD ABUSE PERPETRATED BY  
28 PERSONS WHO ARE NOT FAMILY MEMBERS. REPORTS REFERRED TO LAW  
29 ENFORCEMENT OFFICIALS SHALL BE ON SUCH FORMS PROVIDED BY AND  
30 ACCORDING TO REGULATIONS PROMULGATED BY THE DEPARTMENT. FOR

PURPOSES OF THIS SUBSECTION "SERIOUS BODILY INJURY" MEANS BODILY INJURY WHICH CREATES A SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS PERMANENT DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN.

(11) COUNTY COMMISSIONERS, TO WHOM THE DEPARTMENT SHALL FORWARD SPECIFIC FILES UPON REQUEST, FOR REVIEW WHEN INVESTIGATING THE COMPETENCE OF COUNTY CHILDREN AND YOUTH EMPLOYEES.

(12) A MANDATED REPORTER OF CHILD ABUSE AS DEFINED IN SECTION 6373 (RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED ABUSE) WHO MADE A REPORT OF ABUSE INVOLVING THE SUBJECT CHILD, PROVIDED THAT THE INFORMATION PERMITTED TO BE RELEASED TO SUCH MANDATED REPORTER SHALL BE LIMITED TO THE FOLLOWING:

(I) THE FINAL STATUS OF THE REPORT FOLLOWING THE INVESTIGATION, WHETHER IT BE INDICATED, FOUNDED OR UNFOUNDED; AND

(II) ANY SERVICES PROVIDED, ARRANGED FOR, OR TO BE PROVIDED BY THE CHILD PROTECTIVE SERVICE TO PROTECT THE CHILD FROM FURTHER ABUSE.

(B) COPY OF INFORMATION.--AT ANY TIME A SUBJECT OF A REPORT MAY RECEIVE, UPON WRITTEN REQUEST, A COPY OF ALL INFORMATION, EXCEPT THAT PROHIBITED FROM BEING DISCLOSED BY SUBSECTION (C), CONTAINED IN THE STATEWIDE CENTRAL REGISTER OR IN ANY REPORT FILED PURSUANT TO SECTION 6375.

(C) RELEASE OF CERTAIN DATA PROHIBITED.--THE RELEASE OF DATA THAT WOULD IDENTIFY THE PERSON WHO MADE A REPORT OF SUSPECTED CHILD ABUSE OR PERSON WHO COOPERATED IN A SUBSEQUENT INVESTIGATION IS PROHIBITED UNLESS THE SECRETARY FINDS THAT SUCH



1 RELEASE WILL NOT BE DETRIMENTAL TO THE SAFETY OF SUCH PERSON.

2 (D) REQUEST TO SECRETARY TO EXPUNGE, SEAL, ETC.--AT ANY TIME

3 A SUBJECT OF A REPORT MAY REQUEST THE SECRETARY TO AMEND, SEAL

4 OR EXPUNGE INFORMATION CONTAINED IN THE STATEWIDE CENTRAL

5 REGISTER ON THE GROUNDS THAT IT IS INACCURATE OR IT IS BEING

6 MAINTAINED IN A MANNER INCONSISTENT WITH THIS ARTICLE. IF THE

7 SECRETARY GRANTS THE REQUEST, THE STATEWIDE CENTRAL REGISTER,

8 APPROPRIATE CHILD PROTECTIVE SERVICE AGENCY AND ALL SUBJECTS

9 SHALL BE SO ADVISED WITHIN SEVEN DAYS FROM THE DATE OF THIS

10 DECISION. THE CHILD PROTECTIVE SERVICE AGENCY AND ANY SUBJECT

11 HAVE 45 DAYS IN WHICH TO FILE AN APPEAL WITH THE SECRETARY. IF

12 SUCH AN APPEAL IS RECEIVED, THE SECRETARY OR HIS DESIGNATED

13 AGENCY SHALL SCHEDULE A HEARING PURSUANT TO 2 PA.C.S. (RELATING

14 TO ADMINISTRATIVE LAW AND PROCEDURE) AND ATTENDING DEPARTMENTAL

15 REGULATIONS. IF NO APPEAL IS RECEIVED WITHIN THE DESIGNATED TIME

16 PERIOD, THE STATEWIDE CENTRAL REGISTER SHALL COMPLY WITH THE

17 DECISION OF THE SECRETARY AND ADVISE THE CHILD PROTECTIVE

18 SERVICE AGENCY TO AMEND, SEAL OR EXPUNGE THE INFORMATION IN

19 THEIR RECORDS SO THAT THE RECORDS ARE CONSISTENT AT BOTH THE

20 STATE AND LOCAL LEVELS. IF THE SECRETARY REFUSES OR DOES NOT ACT

21 WITHIN A REASONABLE TIME, BUT IN NO EVENT LATER THAN 30 DAYS

22 AFTER RECEIPT OF SUCH REQUEST, THE SUBJECT SHALL HAVE THE RIGHT

23 TO A HEARING BEFORE THE SECRETARY OR THE DESIGNATED AGENT OR THE

24 SECRETARY TO DETERMINE WHETHER THE SUMMARY IN THE STATEWIDE

25 CENTRAL REGISTER OR THE CONTENTS OF ANY REPORT FILED PURSUANT TO

26 SECTION 6375 SHOULD BE AMENDED, SEALED OR EXPUNGED ON THE

27 GROUNDS THAT IT IS INACCURATE OR IT IS BEING MAINTAINED IN A

28 MANNER INCONSISTENT WITH THIS ARTICLE. THE APPROPRIATE CHILD

29 PROTECTIVE SERVICE SHALL BE GIVEN NOTICE OF THE HEARING. THE

30 BURDEN OF PROOF IN SUCH HEARING SHALL BE ON THE APPROPRIATE

1 CHILD PROTECTIVE SERVICE. THE DEPARTMENT SHALL ASSIST THE CHILD  
2 PROTECTIVE SERVICE AS NECESSARY. IN SUCH HEARINGS, THE FACT THAT  
3 THERE WAS A COURT FINDING OF CHILD ABUSE SHALL BE PRESUMPTIVE  
4 EVIDENCE THAT THE REPORT WAS SUBSTANTIATED. THE SECRETARY OR THE  
5 DESIGNATED AGENT OF THE SECRETARY IS AUTHORIZED AND EMPOWERED TO  
6 MAKE ANY APPROPRIATE ORDER RESPECTING THE AMENDMENT OR  
7 EXPUNGEMENT OF SUCH RECORDS TO MAKE THEM ACCURATE OR CONSISTENT  
8 WITH THE REQUIREMENTS OF THIS SUBCHAPTER.

9 (E) NOTICE OF EXPUNGEMENT.--WRITTEN NOTICE OF ANY  
10 EXPUNGEMENT OF ANY RECORD MADE PURSUANT TO THE PROVISIONS OF  
11 THIS ARTICLE SHALL BE SERVED UPON THE SUBJECT OF SUCH RECORD WHO  
12 WAS RESPONSIBLE FOR THE ABUSE AND THE APPROPRIATE CHILD  
13 PROTECTIVE SERVICE. THE LATTER, UPON RECEIPT OF SUCH NOTICE,  
14 SHALL TAKE APPROPRIATE, SIMILAR ACTION IN REGARD TO THE LOCAL  
15 CHILD ABUSE RECORDS AND INFORM, FOR THE SAME PURPOSE, THE  
16 APPROPRIATE CORONER IF SUCH OFFICER HAS RECEIVED REPORTS  
17 PURSUANT TO SECTION 6386(3). WHENEVER THE INVESTIGATION REVEALS  
18 THAT THE REPORT IS UNFOUNDED BUT THAT THE SUBJECTS NEED SERVICES  
19 AND VOLUNTARILY ACCEPT SERVICES, THE COUNTY CHILDREN AND YOUTH  
20 SOCIAL SERVICE AGENCY MAY RETAIN THOSE PORTIONS OF ITS RECORDS  
21 WHICH DO NOT SPECIFICALLY IDENTIFY THE SOURCE OF THE  
22 INVESTIGATION OR REPORT AS SUSPECTED CHILD ABUSE.

23 (F) PENALTY.--

24 (1) ANY PERSON WHO WILLFULLY FAILS TO OBEY A FINAL ORDER  
25 OF THE SECRETARY OR HIS DESIGNATED AGENT TO AMEND OR EXPUNGE  
26 THE SUMMARY OF THE REPORT IN THE STATEWIDE CENTRAL REGISTER  
27 OR THE CONTENTS OF ANY REPORT FILED PURSUANT TO SECTION 6375  
28 SHALL BE GUILTY OF A SUMMARY OFFENSE.

29 (2) ANY PERSON WHO WILLFULLY RELEASES OR PERMITS THE  
30 RELEASE OF ANY DATA AND INFORMATION CONTAINED IN THE PENDING

1 COMPLAINT FILE, THE STATEWIDE CENTRAL REGISTER OR THE CHILD  
2 WELFARE RECORDS REQUIRED BY THIS SUBCHAPTER, INCLUDING  
3 RECORDS MAINTAINED BY ANY COUNTY CHILDREN AND YOUTH SOCIAL  
4 SERVICE AGENCY AND ANY CHILD PROTECTIVE SERVICE, TO PERSONS  
5 OR AGENCIES NOT PERMITTED BY THIS SUBCHAPTER SHALL BE GUILTY  
6 OF A MISDEMEANOR OF THE THIRD DEGREE.

7 § 6385. CHILD PROTECTIVE SERVICE RESPONSIBILITIES AND  
8 ORGANIZATION.

9 (A) ESTABLISHMENT AND FUNCTIONS.--UNLESS THE DEPARTMENT  
10 FINDS IT IS UNFEASIBLE, EVERY COUNTY CHILDREN AND YOUTH SOCIAL  
11 SERVICE AGENCY SHALL ESTABLISH A "CHILD PROTECTIVE SERVICE"  
12 WITHIN EACH AGENCY. THE CHILD PROTECTIVE SERVICE SHALL PERFORM  
13 THOSE FUNCTIONS ASSIGNED BY THIS SUBCHAPTER TO IT AND ONLY SUCH  
14 OTHERS THAT WOULD FURTHER THE PURPOSES OF THIS SUBCHAPTER. IT  
15 SHALL HAVE A SUFFICIENT STAFF OF SUFFICIENT QUALIFICATIONS TO  
16 FULFILL THE PURPOSES OF THIS SUBCHAPTER AND ORGANIZED IN SUCH A  
17 WAY AS TO MAXIMIZE THE CONTINUITY OF RESPONSIBILITY, CARE AND  
18 SERVICES OF INDIVIDUAL WORKERS TOWARD INDIVIDUAL CHILDREN AND  
19 FAMILIES. THE CHILD PROTECTIVE SERVICE OF THE COUNTY CHILDREN  
20 AND YOUTH SOCIAL SERVICE AGENCY SHALL BE THE SOLE CIVIL AGENCY  
21 RESPONSIBLE FOR RECEIVING AND INVESTIGATING ALL REPORTS OF CHILD  
22 ABUSE MADE PURSUANT TO THIS SUBCHAPTER, SPECIFICALLY INCLUDING  
23 BUT NOT LIMITED TO REPORTS OF CHILD ABUSE IN FACILITIES OPERATED  
24 BY THE DEPARTMENT AND OTHER PUBLIC AGENCIES, FOR THE PURPOSE OF  
25 PROVIDING PROTECTIVE SERVICES TO PREVENT FURTHER ABUSES TO  
26 CHILDREN, TO PROVIDE OR ARRANGE FOR AND MONITOR THE PROVISION OF  
27 THOSE SERVICES NECESSARY TO SAFEGUARD AND ENSURE THE CHILD'S  
28 WELL-BEING AND DEVELOPMENT AND TO PRESERVE AND STABILIZE FAMILY  
29 LIFE WHEREVER APPROPRIATE; PROVIDED, HOWEVER, THAT, WHEN THE  
30 SUSPECTED ABUSE HAS BEEN COMMITTED BY THE AGENCY OR ANY OF ITS

1 AGENTS OR EMPLOYEES, THE DEPARTMENT SHALL ASSUME THE ROLE OF THE  
2 AGENCY WITH REGARD TO THE INVESTIGATION AND DIRECTLY REFER THE  
3 CHILD FOR SERVICES. FURTHER, WHERE SUSPECTED CHILD ABUSE HAS  
4 OCCURRED AND AN EMPLOYEE OR AGENT OF THE DEPARTMENT OR THE  
5 COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCY OR A PRIVATE OR  
6 PUBLIC INSTITUTION IS A SUBJECT OF THE REPORT, THE DEPARTMENT,  
7 AGENCY OR INSTITUTION SHALL BE INFORMED OF THE INVESTIGATION SO  
8 THAT IT MAY TAKE APPROPRIATE ACTION.

9 (B) OTHER AGENCIES.--ANY OTHER PROVISION OF LAW  
10 NOTWITHSTANDING, BUT CONSISTENT WITH SUBSECTION (A), THE COUNTY  
11 CHILDREN AND YOUTH SOCIAL SERVICE AGENCY, BASED UPON THE LOCAL  
12 PLAN OF SERVICES AS PROVIDED IN SUBSECTION (C), MAY PURCHASE AND  
13 UTILIZE THE SERVICES OF ANY APPROPRIATE PUBLIC OR PRIVATE  
14 AGENCY.

15 (C) LOCAL PLAN.--NO LATER THAN ONCE EACH YEAR AS REQUIRED BY  
16 THE DEPARTMENT, EACH COUNTY AGENCY CHILD PROTECTIVE SERVICE  
17 SHALL PREPARE AND SUBMIT A LOCAL PLAN FOR THE PROVISION OF CHILD  
18 PROTECTIVE SERVICES. THE LOCAL PLAN MAY BE A COMPONENT OF A  
19 COUNTY HUMAN SERVICE PLAN OR A CHILDREN AND YOUTH PLAN. THE  
20 DEPARTMENT SHALL CERTIFY WHETHER OR NOT THE LOCAL PLAN FULFILLS  
21 THE PURPOSES OF AND MEETS THE REQUIREMENTS SET FORTH IN THIS  
22 SUBCHAPTER. IF THE DEPARTMENT CERTIFIES THAT THE LOCAL PLAN DOES  
23 NOT DO SO, THE DEPARTMENT SHALL STATE THE REASONS THEREFOR AND  
24 MAY WITHHOLD REIMBURSEMENT FOR ALL OR PART OF THE ACTIVITIES OF  
25 THE AGENCY. IF THE DEPARTMENT FINDS THAT A PROPOSED LOCAL PLAN  
26 DOES NOT MEET THE REQUIREMENTS SET FORTH IN THIS SUBCHAPTER, THE  
27 CHILD PROTECTIVE SERVICE SHALL REVISE THE LOCAL PLAN IN  
28 ACCORDANCE WITH THE DEPARTMENT'S REASONS FOR DISAPPROVAL.

29 (D) REQUIRED SERVICES.--EACH CHILD PROTECTIVE SERVICE SHALL  
30 MAKE AVAILABLE AMONG ITS SERVICES FOR THE PREVENTION AND

1 TREATMENT OF CHILD ABUSE MULTIDISCIPLINARY TEAMS, INSTRUCTION  
2 AND EDUCATION FOR PARENTHOOD, PROTECTIVE AND PREVENTIVE SOCIAL  
3 COUNSELING, EMERGENCY CARETAKER SERVICES, EMERGENCY SHELTER  
4 CARE, EMERGENCY MEDICAL SERVICES, AND THE ESTABLISHMENT OF  
5 GROUPS ORGANIZED BY FORMER ABUSING PARENTS TO ENCOURAGE SELF-  
6 REPORTING AND SELF-TREATMENT OF PRESENT ABUSERS.

7 (E) DEPARTMENTAL WAIVER OF REQUIREMENTS.--THE DEPARTMENT MAY  
8 WAIVE THE REQUIREMENTS THAT A COUNTY ESTABLISH A SEPARATE CHILD  
9 PROTECTIVE SERVICE UPON A SHOWING BY THE COUNTY THAT:

10 (1) A SEPARATE CHILD PROTECTIVE SERVICE (I) WOULD NOT BE  
11 CONDUCIVE TO THE BEST INTERESTS OF ALL CHILDREN WITHIN THE  
12 COUNTY WHO NEED PUBLIC CHILD WELFARE SERVICES; AND (II) WOULD  
13 NOT BE FEASIBLE OR ECONOMICAL AND,

14 (2) THE GOALS AND OBJECTIVES OF THIS SUBCHAPTER WILL  
15 CONTINUE TO BE MET IF A WAIVER IS GRANTED. IF THE DEPARTMENT  
16 GRANTS A WAIVER PURSUANT TO THIS SUBSECTION, THE COUNTY SHALL  
17 BE BOUND BY ALL OTHER PROVISIONS OF THIS SUBCHAPTER,  
18 INCLUDING REQUIREMENTS CONCERNING THE MAINTENANCE AND  
19 DISCLOSURE OF CONFIDENTIAL INFORMATION AND RECORDS.

20 § 6386. ABUSE REPORTS.

21 EACH CHILD PROTECTIVE SERVICE SHALL:

22 (1) RECEIVE ON A 24-HOUR-A-DAY, 7-DAY-A-WEEK BASIS ALL  
23 REPORTS, BOTH ORAL AND WRITTEN, OF SUSPECTED CHILD ABUSE IN  
24 ACCORDANCE WITH THIS SUBCHAPTER, THE LOCAL PLAN FOR THE  
25 PROVISION OF CHILD PROTECTIVE SERVICES AND THE REGULATIONS OF  
26 THE DEPARTMENT.

27 (2) UPON THE RECEIPT OF EACH REPORT OF SUSPECTED CHILD  
28 ABUSE MADE PURSUANT TO THIS SUBCHAPTER, IMMEDIATELY TRANSMIT,  
29 A CHILD ABUSE REPORT SUMMARY AS PROVIDED IN SECTION 6375  
30 (RELATING TO REPORTING PROCEDURE) TO THE DEPARTMENT.

1 SUPPLEMENTAL REPORTS SHALL BE MADE AT REGULAR INTERVALS  
2 THEREAFTER IN A MANNER AND FORM PRESCRIBED BY THE DEPARTMENT  
3 BY REGULATION TO THE END THAT THE DEPARTMENT IS KEPT FULLY  
4 INFORMED AND UP-TO-DATE CONCERNING THE STATUS OF REPORTS OF  
5 CHILD ABUSE.

6 (3) GIVE TELEPHONE NOTICE AND FORWARD IMMEDIATELY A COPY  
7 OF REPORTS MADE PURSUANT TO THIS SUBCHAPTER WHICH INVOLVE THE  
8 DEATH OF A CHILD TO THE APPROPRIATE CORONER PURSUANT TO  
9 SECTION 6378 (RELATING TO ADMISSION TO HOSPITALS).

10 (4) UPON RECEIPT OF EACH REPORT OF SUSPECTED CHILD  
11 ABUSE, COMMENCE WITHIN 24 HOURS, AN APPROPRIATE  
12 INVESTIGATION, WHICH SHALL INCLUDE A DETERMINATION OF THE  
13 RISK TO SUCH CHILD OR CHILDREN IF THEY CONTINUE TO REMAIN IN  
14 THE EXISTING HOME ENVIRONMENT AS WELL AS A DETERMINATION OF  
15 THE NATURE, EXTENT, AND CAUSE OF ANY CONDITION ENUMERATED IN  
16 SUCH REPORT, AND, AFTER SEEING TO THE SAFETY OF THE CHILD OR  
17 CHILDREN, FORTHWITH NOTIFY THE SUBJECTS OF THE REPORT IN  
18 WRITING, OF THE EXISTENCE OF THE REPORT AND THEIR RIGHTS  
19 PURSUANT TO THIS SUBCHAPTER IN REGARD TO AMENDMENT OR  
20 EXPUNGEMENT. THE INVESTIGATION SHALL BE COMPLETED WITHIN 30  
21 DAYS.

22 (5) DETERMINE BY INVESTIGATION WHETHER THE CHILD IS  
23 BEING HARMED BY FACTORS BEYOND THE CONTROL OF THE PARENT OR  
24 OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE AND, IF SO  
25 DETERMINED, PROMPTLY TAKE ALL AVAILABLE STEPS TO REMEDY AND  
26 CORRECT SUCH CONDITIONS, INCLUDING, BUT NOT LIMITED TO, THE  
27 COORDINATION OF SOCIAL SERVICES FOR THE CHILD AND THE FAMILY.

28 (6) DETERMINE, WITHIN 30 DAYS, WHETHER THE REPORT IS  
29 FOUNDED, INDICATED OR UNFOUNDED.

30 (7) PURSUANT TO THE PROVISIONS OF SECTION 6377 (RELATING

1 TO PROTECTIVE CUSTODY) AND AFTER COURT ORDER, TAKE A CHILD  
2 INTO PROTECTIVE CUSTODY TO PROTECT HIM FROM FURTHER ABUSE. NO  
3 CHILD PROTECTIVE SERVICES WORKER SHALL ENTER THE HOME OF ANY  
4 INDIVIDUAL FOR THIS PURPOSE WITHOUT JUDICIAL AUTHORIZATION.

5 (8) BASED ON THE INVESTIGATION AND EVALUATION CONDUCTED  
6 PURSUANT TO THIS SUBCHAPTER, PROVIDE OR CONTRACT WITH PRIVATE  
7 OR PUBLIC AGENCIES FOR THE PROTECTION OF THE CHILD IN HIS  
8 HOME WHENEVER POSSIBLE AND FOR THOSE SERVICES NECESSARY FOR  
9 ADEQUATE CARE OF THE CHILD WHEN PLACED IN PROTECTIVE CUSTODY.  
10 PRIOR TO OFFERING SUCH SERVICES TO A FAMILY, THE PROTECTIVE  
11 SERVICE SHOULD EXPLAIN THAT IT HAS NO LEGAL AUTHORITY TO  
12 COMPEL SUCH FAMILY TO RECEIVE THE SERVICES AND MAY INFORM THE  
13 FAMILY OF THE OBLIGATIONS AND AUTHORITY OF THE CHILD  
14 PROTECTIVE SERVICE TO INITIATE APPROPRIATE COURT PROCEEDINGS.

15 (9) IN THOSE CASES IN WHICH AN APPROPRIATE OFFER OF  
16 SERVICE IS REFUSED AND THE CHILD PROTECTIVE SERVICE  
17 DETERMINES THAT THE BEST INTERESTS OF THE CHILD REQUIRE COURT  
18 ACTION, INITIATE THE APPROPRIATE COURT PROCEEDING.

19 (10) ASSIST THE COURT DURING ALL STAGES OF THE COURT  
20 PROCEEDING IN ACCORDANCE WITH THE PURPOSES OF THIS  
21 SUBCHAPTER.

22 (11) PROVIDE OR ARRANGE FOR AND MONITOR REHABILITATIVE  
23 SERVICES FOR CHILDREN AND THEIR FAMILIES ON A VOLUNTARY BASIS  
24 OR UNDER A FINAL OR INTERMEDIATE ORDER OF THE COURT.

25 (12) BE AS EQUALLY VIGILANT OF THE STATUS, WELL-BEING,  
26 AND CONDITIONS UNDER WHICH A CHILD IS LIVING AND BEING  
27 MAINTAINED IN A FACILITY OTHER THAN THAT OF HIS PARENT,  
28 CUSTODIAN OR GUARDIAN FROM WHICH HE HAS BEEN REMOVED, AS IT  
29 IS OF THE CONDITIONS IN THE DWELLING OF THE PARENT, CUSTODIAN  
30 OR GUARDIAN. WHERE THE CHILD PROTECTIVE SERVICE FINDS THAT

1 THE PLACEMENT FOR ANY TEMPORARY OR PERMANENT CUSTODY, CARE OR  
2 TREATMENT IS FOR ANY REASON INAPPROPRIATE OR HARMFUL IN ANY  
3 WAY TO THE CHILD'S PHYSICAL OR MENTAL WELL-BEING, IT SHALL  
4 TAKE IMMEDIATE STEPS TO REMEDY THESE CONDITIONS INCLUDING  
5 PETITIONING THE COURT.

6 § 6387. COOPERATION OF OTHER AGENCIES.

7 THE SECRETARY MAY REQUEST AND SHALL RECEIVE FROM DEPARTMENTS,  
8 BOARDS, BUREAUS, OR OTHER AGENCIES OF THE COMMONWEALTH, OR ANY  
9 OF ITS POLITICAL SUBDIVISIONS, OR ANY OTHER AGENCY PROVIDING  
10 SERVICES UNDER THE LOCAL CHILD PROTECTIVE SERVICES PLAN SUCH  
11 ASSISTANCE AND DATA AS WILL ENABLE THE DEPARTMENT AND THE CHILD  
12 PROTECTIVE SERVICES TO FULFILL THEIR RESPONSIBILITIES PROPERLY,  
13 INCLUDING LAW ENFORCEMENT PERSONNEL WHEN ASSISTANCE IS NEEDED IN  
14 CONDUCTING AN INVESTIGATION OF ALLEGED CHILD ABUSE. SCHOOL  
15 DISTRICTS SHALL COOPERATE WITH THE DEPARTMENT AND THE AGENCY BY  
16 PROVIDING THEM UPON REQUEST WITH SUCH INFORMATION AS IS  
17 CONSISTENT WITH LAW.

18 § 6388. ANNUAL REPORTS AND CIVIL PENALTIES.

19 (A) ANNUAL REPORTS.--NO LATER THAN APRIL 15 OF EVERY YEAR,  
20 THE SECRETARY SHALL PREPARE AND TRANSMIT TO THE GOVERNOR AND THE  
21 GENERAL ASSEMBLY A REPORT ON THE OPERATIONS OF THE CENTRAL  
22 REGISTER OF CHILD ABUSE AND THE VARIOUS CHILD PROTECTIVE  
23 SERVICES. THE REPORT SHALL INCLUDE A FULL STATISTICAL ANALYSIS  
24 OF THE REPORTS OF SUSPECTED CHILD ABUSE MADE TO THE DEPARTMENT  
25 TOGETHER WITH A REPORT ON THE IMPLEMENTATION OF THIS SUBCHAPTER  
26 AND ITS TOTAL COST TO THE COMMONWEALTH, THE SECRETARY'S  
27 EVALUATION OF SERVICES OFFERED UNDER THIS SUBCHAPTER AND  
28 RECOMMENDATIONS FOR REPEAL OR FOR ADDITIONAL LEGISLATION TO  
29 FULFILL THE PURPOSES OF THIS SUBCHAPTER. ALL SUCH  
30 RECOMMENDATIONS SHOULD CONTAIN AN ESTIMATE OF INCREASED OR



1 DECREASED COSTS RESULTING THEREFROM. THE REPORT SHALL ALSO  
2 INCLUDE AN EXPLANATION OF SERVICES PROVIDED TO CHILDREN WHO WERE  
3 THE SUBJECTS OF FOUNDED OR INDICATED REPORTS OF CHILD ABUSE  
4 WHILE RECEIVING CHILD CARE SERVICES. THE DEPARTMENT SHALL ALSO  
5 DESCRIBE ITS ACTIONS IN RESPECT TO THE PERPETRATORS OF THE  
6 ABUSE.

7 (B) CIVIL PENALTIES.--AN ADMINISTRATOR, OR OTHER PERSON  
8 RESPONSIBLE FOR EMPLOYMENT DECISIONS IN A CHILD CARE FACILITY OR  
9 PROGRAM, WHO WILLFULLY FAILS TO COMPLY WITH THE PROVISIONS OF  
10 SECTION 6393 (RELATING TO INFORMATION) COMMITS A VIOLATION OF  
11 THIS SUBCHAPTER AND SHALL BE SUBJECT TO CIVIL PENALTY AS  
12 PROVIDED IN THIS SECTION.

13 (1) THE DEPARTMENT SHALL HAVE JURISDICTION TO DETERMINE  
14 VIOLATIONS OF SECTION 6393 AND MAY, FOLLOWING A HEARING,  
15 ASSESS A CIVIL PENALTY NOT TO EXCEED \$2,500.

16 (2) THE CIVIL PENALTY SHALL BE PAYABLE TO THE  
17 COMMONWEALTH.

18 § 6389. PERFORMANCE AUDIT.

19 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBCHAPTER, THE  
20 SECRETARY OR A DESIGNEE MAY DIRECT A PERFORMANCE AUDIT OF ANY  
21 ACTIVITY ENGAGED IN PURSUANT TO THIS SUBCHAPTER.

22 § 6390. REGULATIONS.

23 THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT  
24 THIS SUBCHAPTER.

25 § 6391. HEARINGS AND EVIDENCE.

26 IN ADDITION TO THE RULES OF EVIDENCE PROVIDED UNDER THIS  
27 CHAPTER, THE FOLLOWING SHALL GOVERN IN CHILD ABUSE PROCEEDINGS  
28 IN JUVENILE OR FAMILY COURT:

29 (1) WHENEVER ANY PERSON REQUIRED TO REPORT UNDER THIS  
30 SUBCHAPTER IS UNAVAILABLE DUE TO DEATH OR REMOVAL FROM THE

1 COURT'S JURISDICTION, THE WRITTEN REPORT OF SUCH PERSON SHALL  
2 BE ADMISSIBLE IN EVIDENCE IN ANY PROCEEDINGS ARISING OUT OF  
3 CHILD ABUSE OTHER THAN PROCEEDINGS UNDER 18 PA.C.S. (RELATING  
4 TO CRIMES AND OFFENSES). ANY HEARSAY CONTAINED IN THE REPORTS  
5 SHALL BE GIVEN SUCH WEIGHT, IF ANY, AS THE COURT SHALL  
6 DETERMINE TO BE APPROPRIATE UNDER ALL OF THE CIRCUMSTANCES.  
7 HOWEVER, ANY HEARSAY CONTAINED IN A WRITTEN REPORT SHALL NOT  
8 OF ITSELF BE SUFFICIENT TO SUPPORT AN ADJUDICATION BASED ON  
9 ABUSE.

10 (2) EXCEPT FOR PRIVILEGED COMMUNICATIONS BETWEEN A  
11 LAWYER AND CLIENT AND BETWEEN A MINISTER AND PENITENT, ANY  
12 PRIVILEGE OF CONFIDENTIAL COMMUNICATION BETWEEN HUSBAND AND  
13 WIFE OR BETWEEN ANY PROFESSIONAL PERSON, INCLUDING, BUT NOT  
14 LIMITED TO, PHYSICIANS, PSYCHOLOGISTS, COUNSELORS, EMPLOYEES  
15 OF HOSPITALS, CLINICS, DAY-CARE CENTERS, AND SCHOOLS AND  
16 THEIR PATIENTS OR CLIENTS, SHALL NOT CONSTITUTE GROUNDS FOR  
17 EXCLUDING EVIDENCE AT ANY PROCEEDING REGARDING CHILD ABUSE OR  
18 THE CAUSE THEREOF.

19 (3) EVIDENCE THAT A CHILD HAS SUFFERED SERIOUS PHYSICAL  
20 INJURY, SEXUAL ABUSE OR SERIOUS PHYSICAL NEGLECT OF SUCH A  
21 NATURE AS WOULD ORDINARILY NOT BE SUSTAINED OR EXIST EXCEPT  
22 BY REASON OF THE ACTS OR OMISSIONS OF THE PARENT OR OTHER  
23 PERSON RESPONSIBLE FOR THE WELFARE OF SUCH CHILD SHALL BE  
24 PRIMA FACIE EVIDENCE OF CHILD ABUSE BY THE PARENT OR OTHER  
25 PERSON RESPONSIBLE FOR THE CHILD'S WELFARE.

26 § 6392. COURT ACTION.

27 (A) GUARDIAN AD LITEM.--THE COURT, WHEN A PROCEEDING HAS  
28 BEEN INITIATED ALLEGING CHILD ABUSE, SHALL APPOINT A GUARDIAN AD  
29 LITEM FOR THE CHILD. THE GUARDIAN AD LITEM SHALL BE AN ATTORNEY  
30 AT LAW. THE GUARDIAN AD LITEM SHALL BE GIVEN ACCESS TO ALL

1 REPORTS RELEVANT TO THE CASE AND TO ANY REPORTS OF EXAMINATION  
2 OF THE CHILD'S PARENTS OR OTHER CUSTODIAN PURSUANT TO THIS  
3 SUBCHAPTER. THE GUARDIAN AD LITEM SHALL BE CHARGED WITH THE  
4 REPRESENTATION OF THE CHILD'S BEST INTERESTS AT EVERY STAGE OF  
5 THE PROCEEDING AND SHALL MAKE SUCH FURTHER INVESTIGATION  
6 NECESSARY TO ASCERTAIN THE FACTS, INTERVIEW WITNESSES, EXAMINE  
7 AND CROSS-EXAMINE WITNESSES, MAKE RECOMMENDATIONS TO THE COURT  
8 AND PARTICIPATE FURTHER IN THE PROCEEDINGS TO THE DEGREE  
9 APPROPRIATE FOR ADEQUATELY REPRESENTING THE CHILD.

10 (B) SERVICES.--THE COURT SHALL HAVE THE DUTY, UPON  
11 CONSIDERATION OF THE PETITION OF ANY ATTORNEY FOR THE CHILD, TO  
12 ORDER A LOCAL CHILD PROTECTIVE SERVICE OR OTHER AGENCY TO  
13 ESTABLISH OR IMPLEMENT, FULLY AND PROMPTLY, APPROPRIATE  
14 SERVICES, TREATMENT, AND PLANS FOR A CHILD FOUND IN NEED OF  
15 THEM. ADDITIONALLY, THE COURT, UPON CONSIDERATION OF THE  
16 PETITION OF ANY ATTORNEY FOR THE CHILD, SHALL HAVE THE DUTY TO  
17 TERMINATE OR ALTER THE CONDITIONS OF ANY PLACEMENT, TEMPORARY OR  
18 PERMANENT, OF A CHILD.

19 § 6393. INFORMATION.

20 (A) SCOPE.--THIS SECTION SHALL APPLY TO ALL PROSPECTIVE  
21 EMPLOYEES OF CHILD-CARE SERVICES, PROSPECTIVE FOSTER PARENTS,  
22 PROSPECTIVE ADOPTIVE PARENTS, PROSPECTIVE SELF-EMPLOYED FAMILY  
23 DAY-CARE PROVIDERS AND OTHER PERSONS SEEKING TO PROVIDE CHILD-  
24 CARE SERVICES UNDER CONTRACT WITH A CHILD-CARE FACILITY OR  
25 PROGRAM. THIS SECTION SHALL NOT APPLY TO ADMINISTRATIVE OR OTHER  
26 SUPPORT PERSONNEL UNLESS THEIR DUTIES WILL INVOLVE DIRECT  
27 CONTACT WITH CHILDREN.

28 (B) INFORMATION REQUIRED.--ADMINISTRATORS OF CHILD-CARE  
29 SERVICES SHALL REQUIRE APPLICANTS TO SUBMIT WITH THEIR  
30 APPLICATIONS THE FOLLOWING INFORMATION OBTAINED WITHIN THE

PRECEDING ONE-YEAR PERIOD:

(1) PURSUANT TO 18 PA.C.S. CH.91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), A REPORT OF CRIMINAL HISTORY RECORD INFORMATION FROM THE PENNSYLVANIA STATE POLICE OR A STATEMENT FROM THE PENNSYLVANIA STATE POLICE THAT THE STATE POLICE CENTRAL REPOSITORY CONTAINS NO SUCH INFORMATION RELATING TO THAT PERSON. SUCH CRIMINAL HISTORY RECORD INFORMATION SHALL BE LIMITED TO THAT WHICH IS DISSEMINATED PURSUANT TO 18 PA.C.S. § 9121(B)(2) (RELATING TO GENERAL REGULATIONS).

(2) A CERTIFICATION FROM THE DEPARTMENT AS TO WHETHER THE APPLICANT IS NAMED IN THE CENTRAL REGISTER AS THE PERPETRATOR OF A FOUNDED OR INDICATED REPORT OF CHILD ABUSE, PROVIDED THAT AN INDICATED REPORT SHALL NOT BE INCLUDED UNTIL THE DEPARTMENT ADOPTS REGULATIONS SPECIFYING THE MANNER IN WHICH THE INVESTIGATION REQUIRED BY SECTION 6386 (RELATING TO ABUSE REPORTS) IS TO BE CONDUCTED.

(3) WHERE THE APPLICANT IS NOT A RESIDENT OF THIS COMMONWEALTH, ADMINISTRATORS SHALL REQUIRE THE APPLICANT TO SUBMIT WITH THE APPLICATION FOR EMPLOYMENT A REPORT OF FEDERAL CRIMINAL HISTORY RECORD INFORMATION PURSUANT TO THE FEDERAL BUREAU OF INVESTIGATION APPROPRIATION OF TITLE II OF PUBLIC LAW 92-544, 86 STAT. 1115; AND THE DEPARTMENT SHALL BE THE INTERMEDIARY FOR THE PURPOSES OF THIS SECTION.

(C) COPIES.--FOR THE PURPOSES OF THIS SECTION, AN APPLICANT MAY SUBMIT A COPY OF THE REQUIRED INFORMATION WITH THE APPLICATION FOR EMPLOYMENT. ADMINISTRATORS SHALL MAINTAIN A COPY OF THE REQUIRED INFORMATION AND SHALL REQUIRE APPLICANTS TO PRODUCE THE ORIGINAL DOCUMENT PRIOR TO EMPLOYMENT.

(D) FOUNDED REPORT OF CHILD ABUSE.--IN NO CASE SHALL AN

1 ADMINISTRATOR HIRE AN APPLICANT WHERE THE DEPARTMENT HAS  
2 VERIFIED THAT THE APPLICANT IS NAMED IN THE CENTRAL REGISTER AS  
3 THE PERPETRATOR OF A FOUNDED REPORT OF CHILD ABUSE COMMITTED  
4 WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING VERIFICATION  
5 PURSUANT TO THIS SECTION.

6 (E) OFFENSES.--IN NO CASE SHALL AN ADMINISTRATOR HIRE AN  
7 APPLICANT IF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION  
8 INDICATES THE APPLICANT HAS BEEN CONVICTED, WITHIN FIVE YEARS  
9 IMMEDIATELY PRECEDING THE DATE OF THE REPORT, OF ONE OR MORE OF  
10 THE FOLLOWING OFFENSES UNDER TITLE 18 OF THE PENNSYLVANIA  
11 CONSOLIDATED STATUTES:

12 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE).

13 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

14 SECTION 2901 (RELATING TO KIDNAPPING).

15 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

16 SECTION 3121 (RELATING TO RAPE).

17 SECTION 3122 (RELATING TO STATUTORY RAPE).

18 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
19 INTERCOURSE).

20 SECTION 3126 (RELATING TO INDECENT ASSAULT).

21 SECTION 3127 (RELATING TO INDECENT EXPOSURE).

22 SECTION 4303 (RELATING TO CONCEALING DEATH OF CHILD BORN  
23 OUT OF WEDLOCK).

24 SECTION 4304 (RELATING TO ENDANGERING WELFARE OF  
25 CHILDREN).

26 SECTION 4305 (RELATING TO DEALING IN INFANT CHILDREN).

27 A FELONY OFFENSE UNDER SECTION 5902(B) (RELATING TO  
28 PROSTITUTION AND RELATED OFFENSES).

29 SECTION 5903(C) OR (D) (RELATING TO OBSCENE AND OTHER  
30 SEXUAL MATERIALS).

SECTION 6301 (RELATING TO CORRUPTION OF MINORS).

SECTION 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

(F) PROSPECTIVE PARENTS.--WITH REGARD TO PROSPECTIVE  
ADOPTIVE OR PROSPECTIVE FOSTER PARENTS, THE FOLLOWING SHALL  
APPLY:

(1) IN THE COURSE OF CAUSING AN INVESTIGATION TO BE MADE  
PURSUANT TO 23 PA.C.S. § 2535(A) (RELATING TO INVESTIGATION),  
AN AGENCY OR PERSON DESIGNATED BY THE COURT TO CONDUCT SUCH  
INVESTIGATION SHALL REQUIRE PROSPECTIVE ADOPTIVE PARENTS TO  
SUBMIT THE INFORMATION SET FORTH IN SUBSECTION (B)(1) AND (2)  
FOR REVIEW IN ACCORDANCE WITH THIS SECTION.

(2) IN THE COURSE OF APPROVING A PROSPECTIVE FOSTER  
PARENT, A FOSTER FAMILY CARE AGENCY SHALL REQUIRE PROSPECTIVE  
FOSTER PARENTS TO SUBMIT THE INFORMATION SET FORTH IN  
SUBSECTION (B)(1) AND (2) FOR REVIEW BY THE FOSTER FAMILY  
CARE AGENCY IN ACCORDANCE WITH THIS SECTION.

(G) REGULATIONS.--THE DEPARTMENT SHALL, IN THE MANNER  
PROVIDED BY LAW, PROMULGATE THE REGULATIONS NECESSARY TO CARRY  
OUT THIS SECTION. THESE REGULATIONS SHALL:

(1) SET FORTH CRITERIA FOR UNSUITABILITY FOR EMPLOYMENT  
IN A CHILD-CARE SERVICE IN RELATION TO CRIMINAL HISTORY  
RECORD INFORMATION WHICH MAY INCLUDE CRIMINAL HISTORY RECORD  
INFORMATION IN ADDITION TO THAT SET FORTH IN SUBSECTION (E).  
SUCH CRITERIA SHALL BE REASONABLY RELATED TO THE PREVENTION  
OF CHILD ABUSE.

(2) SET FORTH SANCTIONS FOR ADMINISTRATORS WHO WILLFULLY  
HIRE APPLICANTS IN VIOLATION OF THIS SECTION OR IN VIOLATION  
OF THE REGULATIONS PROMULGATED HEREUNDER.

(3) PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION  
OBTAINED PURSUANT TO SUBSECTION (B).

1 (H) CHILD-CARE PROVIDERS.--THE DEPARTMENT SHALL REQUIRE  
2 PERSONS SEEKING TO OPERATE CHILD-CARE SERVICES TO SUBMIT THE  
3 INFORMATION SET FORTH IN SUBSECTION (B)(1) AND (2) FOR REVIEW IN  
4 ACCORDANCE WITH THIS SECTION.

5 (I) FEES.--THE DEPARTMENT MAY CHARGE A FEE NOT TO EXCEED \$10  
6 IN ORDER TO CONDUCT THE CERTIFICATION AS REQUIRED IN SUBSECTION  
7 (B)(2).

8 (J) TIME LIMITS.--THE DEPARTMENT SHALL COMPLY WITH  
9 CERTIFICATION REQUESTS NO LATER THAN 14 DAYS FROM THE RECEIPT OF  
10 THE REQUEST.

11 (K) PROCEDURE.--THE DEPARTMENT SHALL DEVELOP A PROCEDURE FOR  
12 THE VOLUNTARY CERTIFICATION OF CHILD CARETAKERS TO ALLOW PERSONS  
13 TO APPLY TO THE DEPARTMENT FOR A CERTIFICATE INDICATING THE  
14 PERSON HAS MET THE REQUIREMENTS OF SUBSECTION (B). THE  
15 DEPARTMENT SHALL ALSO PROVIDE FOR THE BIENNIAL RECERTIFICATION  
16 OF SUCH PERSONS.

17 (L) RIGHTS OF EXISTING EMPLOYEES.--NO PERSON EMPLOYED IN  
18 CHILD-CARE SERVICES ON NOVEMBER 26, 1975, SHALL BE REQUIRED TO  
19 OBTAIN THE INFORMATION REQUIRED IN SUBSECTION (B)(1) AND (2) AS  
20 A CONDITION OF CONTINUED EMPLOYMENT. ANY PERSON WHO HAS ONCE  
21 OBTAINED THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) AND  
22 (2) MAY TRANSFER TO ANOTHER CHILD-CARE SERVICE ESTABLISHED AND  
23 SUPERVISED BY THE SAME ORGANIZATION AND SHALL NOT BE REQUIRED TO  
24 OBTAIN ADDITIONAL REPORTS BEFORE MAKING SUCH TRANSFER.

25 (M) EXCEPTION.--THE REQUIREMENTS OF THIS SECTION SHALL NOT  
26 APPLY TO EMPLOYEES OF CHILD-CARE SERVICES WHO MEET ALL THE  
27 FOLLOWING REQUIREMENTS:

28 (1) THE EMPLOYEES ARE UNDER 21 YEARS OF AGE.

29 (2) THEY ARE EMPLOYED FOR PERIODS OF 90 DAYS OR LESS.

30 (3) THEY ARE A PART OF A JOB DEVELOPMENT OR JOB TRAINING

PROGRAM FUNDED IN WHOLE OR IN PART BY PUBLIC OR PRIVATE  
SOURCES.

ONCE EMPLOYMENT OF A PERSON WHO MEETS THESE CONDITIONS EXTENDS  
BEYOND 90 DAYS, ALL REQUIREMENTS OF THIS SECTION SHALL APPLY.

(N) SELF-EMPLOYED PROVIDERS.--SELF-EMPLOYED FAMILY DAY-CARE  
PROVIDERS WHO APPLY FOR A CERTIFICATE OF REGISTRATION WITH THE  
DEPARTMENT AFTER NOVEMBER 26, 1975, SHALL SUBMIT WITH THEIR  
REGISTRATION APPLICATION A REPORT OF CRIMINAL HISTORY RECORD  
INFORMATION AND SHALL ALSO OBTAIN CERTIFICATION FROM THE  
DEPARTMENT AS TO WHETHER THE APPLICANT IS NAMED IN THE CENTRAL  
REGISTER AS THE PERPETRATOR OF A FOUNDED REPORT OF CHILD ABUSE.

(O) PROVISIONAL EMPLOYMENT.--NOTWITHSTANDING SUBSECTIONS (B)  
AND (C), ADMINISTRATORS MAY EMPLOY APPLICANTS ON A PROVISIONAL  
BASIS FOR A SINGLE PERIOD NOT TO EXCEED 30 DAYS OR, FOR OUT-OF-  
STATE APPLICANTS, A PERIOD OF 90 DAYS, PROVIDED THAT ALL OF THE  
FOLLOWING CONDITIONS ARE MET:

(1) THE APPLICANT HAS APPLIED FOR THE INFORMATION  
REQUIRED UNDER SUBSECTION (B), AND THE APPLICANT PROVIDES A  
COPY OF THE APPROPRIATE COMPLETED REQUEST FORMS TO THE  
ADMINISTRATOR.

(2) THE ADMINISTRATOR HAS NO KNOWLEDGE OF INFORMATION  
PERTAINING TO THE APPLICANT WHICH WOULD DISQUALIFY HIM FROM  
EMPLOYMENT PURSUANT TO SUBSECTION (D) OR (E).

(3) THE APPLICANT SWEARS OR AFFIRMS IN WRITING THAT HE  
IS NOT DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUBSECTION  
(D) OR (E).

(4) THE EMPLOYMENT ARRANGEMENT PROVIDES THAT, IF THE  
INFORMATION OBTAINED PURSUANT TO SUBSECTION (B) REVEALS THAT  
THE APPLICANT IS DISQUALIFIED FROM EMPLOYMENT PURSUANT TO  
SUBSECTION (D) OR (E), THE APPLICANT SHALL BE IMMEDIATELY



DISMISSED BY THE ADMINISTRATOR.

(5) THE ADMINISTRATOR REQUIRES THAT THE APPLICANT NOT BE PERMITTED TO WORK ALONE WITH CHILDREN AND THAT THE APPLICANT WORK IN THE IMMEDIATE VICINITY OF A PERMANENT EMPLOYEE.

§ 6394. LEGISLATIVE OVERSIGHT.

BEGINNING NOVEMBER 26, 1977, A COMMITTEE OF THE HOUSE OF REPRESENTATIVES AS DESIGNATED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND A COMMITTEE OF THE SENATE AS DESIGNATED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, EITHER JOINTLY OR SEPARATELY, SHALL BEGIN A REVIEW INTO THE MANNER IN WHICH THIS SUBCHAPTER HAS BEEN ADMINISTERED AT THE STATE AND LOCAL LEVEL FOR PURPOSES OF:

(1) PROVIDING INFORMATION THAT WILL AID THE GENERAL ASSEMBLY IN ITS OVERSIGHT RESPONSIBILITIES;

(2) ENABLING THE GENERAL ASSEMBLY TO DETERMINE WHETHER THE PROGRAMS AND SERVICES MANDATED BY THIS SUBCHAPTER ARE EFFECTIVELY MEETING THE GOALS OF THIS LEGISLATION;

(3) ASSISTING THE GENERAL ASSEMBLY IN MEASURING THE COSTS AND BENEFITS OF THIS PROGRAM AND THE EFFECTS AND SIDE-EFFECTS OF MANDATED PROGRAM SERVICES;

(4) PERMITTING THE GENERAL ASSEMBLY TO DETERMINE WHETHER THE CONFIDENTIALITY OF RECORDS MANDATED BY THIS SUBCHAPTER IS BEING MAINTAINED AT THE STATE AND LOCAL LEVEL; AND

(5) PROVIDING INFORMATION THAT WILL PERMIT STATE AND LOCAL PROGRAM ADMINISTRATORS TO BE HELD ACCOUNTABLE FOR THE ADMINISTRATION OF THE PROGRAMS MANDATED BY THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

Section 4. Sections 8721, 8722 and 8724 of Title 42 of the ~~Pennsylvania Consolidated Statutes~~ are amended to read: <—

§ 8721. Definitions.

1 The following words and phrases when used in this subchapter  
2 shall have, unless the context clearly indicates otherwise, the  
3 meanings given to them in this section:

4 "Confidential information." Any records, files, data or  
5 information, withheld as confidential, whether pursuant to  
6 statute or otherwise, by any Commonwealth agency from the  
7 Attorney General, a district attorney, the Pennsylvania Crime  
8 Commission, the State Ethics Commission or a committee or  
9 subcommittee of either House of the General Assembly having  
10 subpoena power to investigate criminal activity. The term shall  
11 not include personal income tax information or the investigative  
12 or intelligence files of the State Police, the Attorney General  
13 or the Pennsylvania Crime Commission.

14 "Crime Commission." The Pennsylvania Crime Commission  
15 existing under the act of October 4, 1978 (P.L.876, No.169),  
16 known as the "Pennsylvania Crime Commission Act."

17 "State Ethics Commission." The State Ethics Commission  
18 existing under the act of October 4, 1978 (P.L.883, No.170),  
19 referred to as the Public Official and Employee Ethics Law.

20 § 8722. Petition for access to confidential information.

21 The Attorney General, a district attorney, the Executive  
22 Director of the Crime Commission acting pursuant to a resolution  
23 of the Crime Commission, the Executive Director of the State  
24 Ethics Commission acting pursuant to a resolution of the Ethics  
25 Commission or a committee or subcommittee of either House of the  
26 General Assembly having subpoena power to investigate criminal  
27 activity, may ex parte petition any judge of the Commonwealth  
28 Court for an order providing access to confidential information.

29 § 8724. Disclosure of confidential information.

30 (a) General rule.--Disclosure of confidential information

1 shall be limited as follows:

2 (1) disclosure by the Commonwealth agency holding such  
3 information shall be limited to persons personally and  
4 directly engaged in the ongoing investigation by the  
5 petitioner under section 8723 (relating to grounds for  
6 access); and

7 (2) disclosure by the petitioner:

8 (i) in the case of the Attorney General or a  
9 district attorney, shall be limited to judicial or  
10 administrative proceedings;

11 (ii) in the case of the Crime Commission, shall be  
12 limited to official reports; [and]

13 (iii) in the case of the State Ethics Commission,  
14 shall be limited to administrative proceedings and  
15 orders; and

16 (iv) in the case of a committee or subcommittee of  
17 either House of the General Assembly, shall be limited to  
18 regular meetings of the committee or subcommittee or  
19 debate on the floor.

20 (b) Contents of order.--Commonwealth Court orders entered  
21 under section 8723 shall specifically limit the disclosure of  
22 confidential information as provided in subsection (a).

23 ~~Section 2. This act shall take effect immediately.~~ <—

24 SECTION 5. THE ACT OF NOVEMBER 26, 1975 (P.L.438, NO.124), <—  
25 KNOWN AS THE CHILD PROTECTIVE SERVICES LAW, IS REPEALED.

26 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

27 (1) THE AMENDMENTS AFFECTING SECTIONS 6358, 8721, 8722  
28 AND 8724 SHALL TAKE EFFECT IN 60 DAYS.

29 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
30 IMMEDIATELY.