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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 63

Session of  
2005

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INTRODUCED BY KASUNIC, O'PAKE, C. WILLIAMS, REGOLA, TARTAGLIONE,  
COSTA, LAVALLE, KITCHEN, M. WHITE, STOUT, LOGAN, CORMAN,  
LEMOND, MUSTO, PILEGGI, RHOADES, EARLL, WOZNIAK AND BOSCOLA,  
FEBRUARY 7, 2005

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REFERRED TO AGING AND YOUTH, FEBRUARY 7, 2005

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for, in child  
3 protective services, investigation of reports and for county  
4 agency requirements for general protective services.

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

7 Section 1. Section 6368(a) of Title 23 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 6368. Investigation of reports.

10 (a) General rule.--Upon receipt of each report of suspected  
11 child abuse, the county agency shall immediately commence an  
12 appropriate investigation and see the child immediately if  
13 emergency protective custody is required or has been or shall be  
14 taken or if it cannot be determined from the report whether  
15 emergency protective custody is needed. Otherwise, the county  
16 agency shall commence an appropriate investigation and see the  
17 child within 24 hours of receipt of the report. The  
18 investigation shall include a determination of the risk of harm

1 to the child or children if they continue to remain in the  
2 existing home environment, as well as a determination of the  
3 nature, extent and cause of any condition enumerated in the  
4 report [and], any action necessary to provide for the safety of  
5 the child or children and the taking of photographic  
6 identification of the child or children to be maintained with  
7 the file. During the investigation, the county agency shall  
8 provide or arrange for services necessary to protect the child  
9 while the agency is making a determination pursuant to this  
10 section. If the investigation indicates serious physical injury,  
11 a medical examination shall be performed on the subject child by  
12 a certified medical practitioner. Where there is reasonable  
13 cause to suspect there is a history of prior or current abuse,  
14 the medical practitioner has the authority to arrange for  
15 further medical tests or the county agency has the authority to  
16 request further medical tests. The investigation shall include  
17 communication with the department's service under section 6332  
18 (relating to establishment of Statewide toll-free telephone  
19 number). Prior to interviewing a subject of the report, the  
20 county agency shall orally notify the subject who is about to be  
21 interviewed of the existence of the report, the subject's rights  
22 under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338  
23 (relating to other basic rights) and the subject's rights  
24 pursuant to this chapter in regard to amendment or expungement.  
25 Within 72 hours following oral notification to the subject, the  
26 county agency shall give written notice to the subject. The  
27 notice may be reasonably delayed if notification is likely to  
28 threaten the safety of the victim, a nonperpetrator subject or  
29 the investigating county agency worker, to cause the perpetrator  
30 to abscond or to significantly interfere with the conduct of a

1 criminal investigation. However, the written notice must be  
2 provided to all subjects prior to the county agency's reaching a  
3 finding on the validity of the report.

4 \* \* \*

5 Section 2. Section 6375(g) of Title 23 is amended and the  
6 section is amended by adding a subsection to read:

7 § 6375. County agency requirements for general protective  
8 services.

9 \* \* \*

10 (g) Monitoring, evaluating and assessing.--The county agency  
11 shall frequently monitor the provision of services, evaluate the  
12 effectiveness of the services, conduct in-home visits and make a  
13 periodic assessment of the risk of harm to the child, including  
14 an updated photograph of the child for identification purposes.

15 \* \* \*

16 (n) Transfer of files between county agencies.--Whenever a  
17 county agency transfers to another county agency a file relating  
18 to a child who receives or is in need of protective services  
19 under this chapter, the file shall include any photographic  
20 identification and updated photographs taken of the child.

21 Section 3. This act shall take effect in 60 days.