

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 26

Session of
2007

INTRODUCED BY FONTANA, ORIE, BOSCOLA, TARTAGLIONE, C. WILLIAMS,
WASHINGTON, STOUT, COSTA, VANCE, O'PAKE, MUSTO, LOGAN, BROWNE
AND MELLOW, JANUARY 29, 2007

REFERRED TO AGING AND YOUTH, JANUARY 29, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing, in child protective
3 services, for definitions and for students in public and
4 private schools; and making editorial changes.

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

7 Section 1. The definitions of "founded report for school
8 employee," "indicated report for school employee" and "person
9 responsible for the child's welfare" in section 6303 of Title 23
10 of the Pennsylvania Consolidated Statutes are amended to read:

11 § 6303. Definitions.

12 (a) General rule.--The following words and phrases when used
13 in this chapter shall have the meanings given to them in this
14 section unless the context clearly indicates otherwise:

15 * * *

16 ["Founded report for school employee." A report under
17 Subchapter C.1 (relating to students in public and private
18 schools) if there has been any judicial adjudication based on a

1 finding that the victim has suffered serious bodily injury or
2 sexual abuse or exploitation, including the entry of a plea of
3 guilty or nolo contendere or a finding of guilt to a criminal
4 charge involving the same factual circumstances involved in the
5 allegations of the report.]

6 * * *

7 ["Indicated report for school employee." A report made under
8 Subchapter C.1 (relating to students in public and private
9 schools) if an investigation by the county agency determines
10 that substantial evidence of serious bodily injury or sexual
11 abuse or exploitation exists based on any of the following:

12 (1) Available medical evidence.

13 (2) The county agency's investigation.

14 (3) An admission of the acts of abuse by the school
15 employee.]

16 * * *

17 "Person responsible for the child's welfare." A person who
18 provides permanent or temporary care, supervision, mental health
19 diagnosis or treatment, training or control of a child in lieu
20 of parental care, supervision and control. The term [does not
21 include a person who is employed by or provides services or
22 programs in any public or private school, intermediate unit or
23 area vocational-technical school] includes a school employee.

24 * * *

25 Section 2. Sections 6331, 6333, 6334(c), 6335(a), 6337(c),
26 6338(a), 6340(a)(13) and 6346(b) and (c) of Title 23 are amended
27 to read:

28 § 6331. Establishment of pending complaint file, Statewide
29 central register and file of unfounded reports.

30 There shall be established in the department:

1 (1) A pending complaint file of child abuse reports
2 under investigation [and a file of reports under
3 investigation pursuant to Subchapter C.1 (relating to
4 students in public and private schools)].

5 (2) A Statewide central register of child abuse which
6 shall consist of founded and indicated reports.

7 (3) A file of unfounded reports awaiting expunction.

8 § 6333. Continuous availability of department.

9 The department shall be capable of receiving oral reports of
10 child abuse made pursuant to this chapter[, reports under
11 section 6353.2 (relating to responsibilities of county agency)]
12 and report summaries of child abuse from county agencies and
13 shall be capable of immediately identifying prior reports of
14 child abuse [and prior reports of abuse or injury under
15 Subchapter C.1 (relating to students in public and private
16 schools)] in the Statewide central register and reports under
17 investigation in the pending complaint file and of monitoring
18 the provision of child protective services 24 hours a day, seven
19 days a week.

20 § 6334. Disposition of complaints received.

21 * * *

22 (c) Recording in pending complaint file.--Upon receipt of a
23 complaint of suspected child abuse, the department shall
24 maintain a record of the complaint of suspected child abuse in
25 the pending complaint file. [Upon receipt of a report under
26 section 6353.2 (relating to responsibilities of county agency),
27 the department shall maintain a record of the report in the
28 report file under section 6331 (relating to establishment of
29 pending complaint file, Statewide central register and file of
30 unfounded reports).]

1 * * *

2 § 6335. Information in pending complaint and unfounded report
3 files.

4 (a) Information authorized.--The information contained in
5 the pending complaint file shall be limited to the information
6 required in [sections] section 6313(c) (relating to reporting
7 procedure) [and 6353.2 (relating to responsibilities of county
8 agency)]. The information contained in the file for unfounded
9 reports shall be limited to the information required by section
10 6336 (relating to information in Statewide central register).

11 * * *

12 § 6337. Disposition of unfounded reports.

13 * * *

14 (c) Expunction of information.--All information identifying
15 the subjects of any report of suspected child abuse [and of any
16 report under Subchapter C.1 (relating to students in public and
17 private schools)] determined to be an unfounded report shall be
18 expunged from the pending complaint file pursuant to this
19 section. The expunction shall be mandated and guaranteed by the
20 department.

21 § 6338. Disposition of founded and indicated reports.

22 (a) General rule.--When a report of suspected child abuse
23 [or a report under Subchapter C.1 (relating to students in
24 public and private schools)] is determined by the appropriate
25 county agency to be a founded report or an indicated report, the
26 information concerning that report of suspected child abuse
27 shall be expunged immediately from the pending complaint file,
28 and an appropriate entry shall be made in the Statewide central
29 register. Notice of the determination must be given to the
30 subjects of the report, other than the abused child, and to the

1 parent or guardian of the affected child or student along with
2 an explanation of the implications of the determination. Notice
3 given to perpetrators of child abuse and to school employees who
4 are subjects of indicated reports for school employees or
5 founded reports for school employees shall include notice that
6 their ability to obtain employment in a child-care facility or
7 program or a public or private school may be adversely affected
8 by entry of the report in the Statewide central register. The
9 notice shall also inform the recipient of his right, within 45
10 days after being notified of the status of the report, to appeal
11 an indicated report, and his right to a hearing if the request
12 is denied.

13 * * *

14 § 6340. Release of information in confidential reports.

15 (a) General rule.--Reports specified in section 6339
16 (relating to confidentiality of reports) shall only be made
17 available to:

18 * * *

19 [(13) Persons required to make reports under Subchapter
20 C.1 (relating to students in public and private schools).
21 Information under this paragraph shall be limited to the
22 final status of the report following the investigation as to
23 whether the report is indicated, founded or unfounded.]

24 * * *

25 § 6346. Cooperation of other agencies.

26 * * *

27 (b) Willful failure to cooperate.--Any agency, school
28 district or facility or any person acting on behalf of an
29 agency, school district or facility that violates this section
30 by willfully failing to cooperate with the department or a

1 county agency when investigating a report of suspected child
2 abuse [or a report under Subchapter C.1 (relating to students in
3 public and private schools)] or when assessing risk to a child
4 commits a summary offense for a first violation and a
5 misdemeanor of the third degree for subsequent violations.

6 (c) Cooperation of county agency and law enforcement
7 agencies.--Consistent with the provisions of this chapter, the
8 county agency and law enforcement agencies shall cooperate and
9 coordinate, to the fullest extent possible, their efforts to
10 respond to and investigate reports of suspected child abuse [and
11 to reports under Subchapter C.1].

12 * * *

13 Section 3. Section 6347 of Title 23, amended November 9,
14 2006 (P.L.1358, No.146), is amended to read:

15 § 6347. Reports to Governor and General Assembly.

16 (a) General rule.--No later than May 1 of every year, the
17 secretary shall prepare and transmit to the Governor and the
18 General Assembly a report on the operations of the central
19 register of child abuse and child protective services provided
20 by county agencies. The report shall include a full statistical
21 analysis of the reports of suspected child abuse made to the
22 department [and the reports under Subchapter C.1 (relating to
23 students in public and private schools)], together with a report
24 on the implementation of this chapter and its total cost to the
25 Commonwealth, the evaluation of the secretary of services
26 offered under this chapter and recommendations for repeal or for
27 additional legislation to fulfill the purposes of this chapter.
28 All such recommendations should contain an estimate of increased
29 or decreased costs resulting therefrom. The report shall also
30 include an explanation of services provided to children who were

1 the subjects of founded or indicated reports while receiving
2 child-care services. The department shall also describe its
3 actions in respect to the perpetrators of the abuse.

4 (b) Reports from county agencies.--To assist the department
5 in preparing its annual report and the quarterly reports
6 required under subsection (c), each county agency shall submit a
7 quarterly report to the department, including, at a minimum, the
8 following information, on an aggregate basis, regarding general
9 protective services[,] and child protective services [and action
10 under Subchapter C.1]:

11 (1) The number of referrals received and referrals
12 accepted.

13 (2) The number of children over whom the agency
14 maintains continuing supervision.

15 (3) The number of cases which have been closed by the
16 agency.

17 (4) The services provided to children and their
18 families.

19 (5) A summary of the findings with nonidentifying
20 information about each case of child abuse or neglect which
21 has resulted in a child fatality or near fatality.

22 (c) Quarterly reports.--The department shall prepare and
23 transmit to the Governor and the General Assembly a quarterly
24 report that includes a summary of the findings with
25 nonidentifying information about each case of child abuse or
26 neglect that has resulted in a child fatality or near fatality.
27 One of the quarterly reports may be included within the annual
28 report required under subsection (a).

29 Section 4. This act shall take effect in 60 days.