

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1147 Session of
2007

INTRODUCED BY WASHINGTON, FONTANA, HUGHES, MELLOW, C. WILLIAMS,
KITCHEN, MUSTO, WOZNIAK, STACK AND COSTA, NOVEMBER 5, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 10, 2008

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, ~~further providing for information~~ <—
3 ~~relating to prospective child care personnel.~~ FURTHER <—
4 PROVIDING, IN CHILD PROTECTIVE SERVICES, FOR DEFINITIONS, FOR
5 IMMUNITY FROM LIABILITY, FOR RELEASE OF INFORMATION IN
6 CONFIDENTIAL REPORTS, FOR STUDIES OF DATA IN RECORDS, FOR
7 INVESTIGATING PERFORMANCE OF COUNTY AGENCIES, FOR CITIZEN
8 REVIEW PANELS, FOR CHILD ABUSE SERVICES AND FOR REPORTING;
9 AND PROVIDING FOR REPORT ON CHILD ABUSE AND CRIMINAL HISTORY
10 INFORMATION REQUIREMENTS.

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

13 ~~Section 1. Section 6344(b), (d)(1), (2), (3), (4) and (5),~~ <—
14 ~~(e), (f) and (k) of Title 23 of the Pennsylvania Consolidated~~
15 ~~Statutes are amended and the section is amended by adding a~~
16 ~~subsection to read:~~

17 ~~§ 6344. Information relating to prospective child care~~
18 ~~personnel.~~

19 * * *

20 ~~(b) Information submitted by prospective employees.~~

1 ~~Administrators of child care services shall require applicants~~
2 ~~to submit with their applications the following information~~
3 ~~obtained within the preceding one year period:~~

4 ~~(1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal~~
5 ~~history record information), a report of criminal history~~
6 ~~record information from the Pennsylvania State Police or a~~
7 ~~statement from the Pennsylvania State Police that the State~~
8 ~~Police central repository contains no such information~~
9 ~~relating to that person. The criminal history record~~
10 ~~information shall be limited to that which is disseminated~~
11 ~~pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general~~
12 ~~regulations).~~

13 ~~(2) A certification from the department as to whether~~
14 ~~the applicant is named in the central register as the~~
15 ~~perpetrator of a founded report of child abuse, indicated~~
16 ~~report of child abuse, founded report for school employee or~~
17 ~~indicated report for school employee.~~

18 ~~(3) [Where the applicant is not a resident of this~~
19 ~~Commonwealth, administrators shall require the applicant to~~
20 ~~submit with the application for employment a] A report of~~
21 ~~Federal criminal history record information. The applicant~~
22 ~~shall submit a full set of fingerprints [to] in a manner~~
23 ~~prescribed by the department. The [department] Commonwealth~~
24 ~~shall submit the fingerprints to the Federal Bureau of~~
25 ~~Investigation in order to obtain a report of Federal criminal~~
26 ~~history record information and serve as intermediary for the~~
27 ~~purposes of this section.~~

28 ~~For the purposes of this subsection, an applicant may submit a~~
29 ~~copy of the [required] information required under paragraphs (1)~~
30 ~~and (2) with an application for employment. Administrators shall~~

1 maintain a copy of the required information and shall require
2 applicants to produce the original document prior to employment.

3 ~~(b.1) Information submitted by certain prospective~~
4 ~~employees.~~

5 ~~(1) Notwithstanding any other provision of this chapter,~~
6 ~~this subsection shall apply to persons who apply for~~
7 ~~employment under subsection (c) on or after the effective~~
8 ~~date of this subsection and before July 1, 2008. The~~
9 ~~provisions of subsection (b) shall not apply to persons who~~
10 ~~apply for employment under subsection (c) on or after the~~
11 ~~effective date of this subsection and before July 1, 2008.~~

12 ~~(2) Administrators of child care services shall require~~
13 ~~applicants to submit with their applications the following~~
14 ~~information obtained within the preceding one year period:~~

15 ~~(i) Pursuant to 18 Pa.C.S. Ch. 91, a report of~~
16 ~~criminal history record information from the Pennsylvania~~
17 ~~State Police or a statement from the Pennsylvania State~~
18 ~~Police that the State Police central repository contains~~
19 ~~no such information relating to that person. The criminal~~
20 ~~history record information shall be limited to that which~~
21 ~~is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2).~~

22 ~~(ii) A certification from the department as to~~
23 ~~whether the applicant is named in the central register as~~
24 ~~the perpetrator of a founded report of child abuse,~~
25 ~~indicated report of child abuse, founded report for~~
26 ~~school employee or indicated report for school employee.~~

27 ~~(iii) Where the applicant is not a resident of this~~
28 ~~Commonwealth, administrators shall require the applicant~~
29 ~~to submit with the application for employment a report of~~
30 ~~Federal criminal history record information. The~~

~~applicant shall submit a full set of fingerprints to the department. The department shall submit the fingerprints to the Federal Bureau of Investigation in order to obtain a report of Federal criminal history record information and serve as intermediary for the purposes of this section.~~

~~(3) For the purposes of this subsection, an applicant may submit a copy of the required information with an application for employment. Administrators shall maintain a copy of the required information and shall require applicants to produce the original document prior to employment.~~

~~(4) This subsection shall expire July 1, 2008.~~

~~* * *~~

~~(d) Prospective adoptive or foster 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 section 2535(a) (relating to investigation), an agency or person designated by the court to conduct the investigation shall require prospective adoptive parents and any individual over the age of 18 years residing in the home to submit the information set forth in subsection [(b)(1) and (2)] (b) for review in accordance with this section. If a prospective adoptive parent or any individual over 18 years of age residing in the home has resided outside this Commonwealth at any time within the previous five year period, the agency or person designated by the court shall require that person to submit a certification obtained within the previous one year period from the Statewide central registry or its equivalent in each state in which the person~~

~~has resided within the previous five year period as to whether the person is named as a perpetrator of child abuse. If the certification shows that the person is named as a perpetrator of child abuse within the previous five year period, the agency or person designated by the court shall forward the certification to the department for review. The agency or person designated by the court shall not approve the prospective adoptive parent if the department determines that the person is named as the equivalent of a perpetrator of a founded report of child abuse within the previous five year period.~~

~~(2) In the course of approving a prospective foster parent, a foster family care agency shall require prospective foster parents and any individual over the age of 18 years residing in the home to submit the information set forth in subsection [(b)(1) and (2)] (b) for review by the foster family care agency in accordance with this section. If a prospective foster parent or any individual over 18 years of age residing in the home has resided outside this Commonwealth at any time within the previous five year period, the foster family care agency shall require that person to submit a certification obtained within the previous one year period from the Statewide central registry or its equivalent in each state in which the person has resided within the previous five year period as to whether the person is named as a perpetrator of child abuse. If the certification shows that the person is named as a perpetrator of child abuse within the previous five year period, the foster family care agency shall forward the certification to the department for review. The foster family care agency~~

~~shall not approve the prospective foster parent if the department determines that the person is named as the equivalent of a perpetrator of a founded report of child abuse within the previous five year period. In addition, the foster family care agency shall consider the following when assessing the ability of applicants for approval as foster parents:~~

~~(i) The ability to provide care, nurturing and supervision to children.~~

~~(ii) Mental and emotional well being. If there is a question regarding the mental or emotional stability of a family member which might have a negative effect on a foster child, the foster family care agency shall require a psychological evaluation of that person before approving the foster family home.~~

~~(iii) Supportive community ties with family, friends and neighbors.~~

~~(iv) Existing family relationships, attitudes and expectations regarding the applicant's own children and parent/child relationships, especially as they might affect a foster child.~~

~~(v) Ability of the applicant to accept a foster child's relationship with his own parents.~~

~~(vi) The applicant's ability to care for children with special needs.~~

~~(vii) Number and characteristics of foster children best suited to the foster family.~~

~~(viii) Ability of the applicant to work in partnership with a foster family care agency. This subparagraph shall not be construed to preclude an~~

1 ~~applicant from advocating on the part of a child.~~

2 ~~(3) Foster parents and any individual over 18 years of~~
3 ~~age residing in the home shall be required to submit the~~
4 ~~information set forth in subsection [(b)(1) and (2)] (b)~~
5 ~~every 24 months following approval for review by the foster~~
6 ~~family care agency in accordance with subsection (c).~~

7 ~~(4) Foster parents shall be required to report, within~~
8 ~~48 hours, any change in information required pursuant to~~
9 ~~subsection [(b)(1) and (2)] (b) about themselves and any~~
10 ~~individuals over the age of 18 years residing in the home for~~
11 ~~review by the foster family care agency in accordance with~~
12 ~~subsection (c).~~

13 ~~(5) Foster parents shall be required to report any other~~
14 ~~change in the foster family household composition within 30~~
15 ~~days of the change for review by the foster family care~~
16 ~~agency. If any individual over 18 years of age, who has~~
17 ~~resided outside this Commonwealth at any time within the~~
18 ~~previous five year period, begins residing in the home of an~~
19 ~~approved foster family, that individual shall, within 30 days~~
20 ~~of beginning residence, submit to the foster family care~~
21 ~~agency, a certification obtained within the previous one year~~
22 ~~period from the Statewide central registry or its equivalent~~
23 ~~in each state in which the person has resided within the~~
24 ~~previous five year period as to whether the person is named~~
25 ~~as a perpetrator of child abuse. If the certification shows~~
26 ~~that the person is named as a perpetrator of child abuse~~
27 ~~within the previous five year period, the foster family care~~
28 ~~agency shall forward the certification to the department for~~
29 ~~review. If the department determines that the person is named~~
30 ~~as the equivalent of a perpetrator of a founded report of~~

~~child abuse within the previous five year period, and the person does not cease residing in the home immediately, the foster child or children shall immediately be removed from the home without a hearing.~~

~~* * *~~

~~(c) Self employed family day care providers. Self employed family day care providers who apply for a certificate of registration with the department 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.] the information set forth under subsection (b) for review in accordance with this section.~~

~~(f) Submissions by operators of child care services. The department shall require persons seeking to operate child care services to submit the information set forth in subsection [(b)(1) and (2)] (b) for review in accordance with this section.~~

~~* * *~~

~~(k) Existing or transferred employees. A person employed in child care services on [January 1, 1986] July 1, 2008, shall not be required to obtain the information required in subsection [(b)(1) and (2)] (b) as a condition of continued employment. A person who has once obtained the information required under subsection [(b)(1) and (2)] (b) may transfer to another child care service established and supervised by the same organization and shall not be required to obtain additional reports before making the transfer.~~

~~* * *~~

~~Section 2. This act shall take effect as follows:~~

1 ~~(1) This section shall take effect immediately.~~

2 ~~(2) The addition of 23 Pa.C.S. § 6344(b.1) shall take~~
3 ~~effect immediately.~~

4 ~~(3) The amendment of 23 Pa.C.S. § 6344(b) and (d)(1),~~
5 ~~(2), (3), (4) and (5) shall take effect January 1, 2008.~~

6 ~~(4) The amendment of 23 Pa.C.S. § 6344 (e), (f) and (k)~~
7 ~~shall take effect July 1, 2008.~~

8 SECTION 1. SECTION 6303(A) OF TITLE 23 OF THE PENNSYLVANIA <—
9 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
10 § 6303. DEFINITIONS.

11 (A) GENERAL RULE.--THE FOLLOWING WORDS AND PHRASES WHEN USED
12 IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
13 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

14 * * *

15 "CHILDREN'S ADVOCACY CENTER." A LOCAL PUBLIC AGENCY IN THIS
16 COMMONWEALTH OR A NOT-FOR-PROFIT ENTITY INCORPORATED IN THIS
17 COMMONWEALTH WHICH:

18 (1) IS TAX EXEMPT UNDER SECTION 501(C)(3) OF THE
19 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
20 501(C)(3)); AND

21 (2) OPERATES WITHIN THIS COMMONWEALTH FOR THE PRIMARY
22 PURPOSE OF PROVIDING A CHILD-FOCUSED, FACILITY-BASED PROGRAM
23 DEDICATED TO COORDINATING A FORMALIZED MULTIDISCIPLINARY
24 RESPONSE TO SUSPECTED CHILD ABUSE THAT, AT A MINIMUM, EITHER
25 ONSITE OR THROUGH A PARTNERSHIP WITH ANOTHER ENTITY OR
26 ENTITIES, ASSISTS COUNTY AGENCIES, INVESTIGATIVE TEAMS AND
27 LAW ENFORCEMENT BY PROVIDING SERVICES, INCLUDING FORENSIC
28 INTERVIEWS, MEDICAL EVALUATIONS, THERAPEUTIC INTERVENTIONS,
29 VICTIM SUPPORT AND ADVOCACY, TEAM CASE REVIEWS AND A SYSTEM
30 FOR CASE TRACKING.

1 * * *

2 "SUBSTANTIATED CHILD ABUSE." CHILD ABUSE AS TO WHICH THERE
3 IS AN INDICATED REPORT OR FOUNDED REPORT.

4 * * *

5 SECTION 1.1. SECTION 6318(A) OF TITLE 23 IS AMENDED TO READ:
6 § 6318. IMMUNITY FROM LIABILITY.

7 (A) GENERAL RULE.--A PERSON, HOSPITAL, INSTITUTION, SCHOOL,
8 FACILITY, AGENCY OR AGENCY EMPLOYEE THAT PARTICIPATES IN GOOD
9 FAITH IN THE MAKING OF A REPORT, WHETHER REQUIRED OR NOT,
10 COOPERATING WITH AN INVESTIGATION, INCLUDING PROVIDING
11 INFORMATION TO A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM,
12 TESTIFYING IN A PROCEEDING ARISING OUT OF AN INSTANCE OF
13 SUSPECTED CHILD ABUSE, THE TAKING OF PHOTOGRAPHS OR THE REMOVAL
14 OR KEEPING OF A CHILD PURSUANT TO SECTION 6315 (RELATING TO
15 TAKING CHILD INTO PROTECTIVE CUSTODY), AND ANY OFFICIAL OR
16 EMPLOYEE OF A COUNTY AGENCY WHO REFERS A REPORT OF SUSPECTED
17 ABUSE TO LAW ENFORCEMENT AUTHORITIES OR PROVIDES SERVICES UNDER
18 THIS CHAPTER, SHALL HAVE IMMUNITY FROM CIVIL AND CRIMINAL
19 LIABILITY THAT MIGHT OTHERWISE RESULT BY REASON OF THOSE
20 ACTIONS.

21 * * *

22 SECTION 2. SECTION 6340(A) OF TITLE 23 IS AMENDED BY ADDING
23 A PARAGRAPH TO READ:

24 § 6340. RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS.

25 (A) GENERAL RULE.--REPORTS SPECIFIED IN SECTION 6339
26 (RELATING TO CONFIDENTIALITY OF REPORTS) SHALL ONLY BE MADE
27 AVAILABLE TO:

28 * * *

29 (17) A MEMBER OF A CHILD FATALITY OR NEAR FATALITY
30 REVIEW TEAM UNDER SECTION 6365(D).

1 * * *

2 SECTION 2.1. SECTION 6342 OF TITLE 23 IS AMENDED TO READ:
3 § 6342. STUDIES OF DATA IN RECORDS.

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

14 (B) DATA FORM.--THE DEPARTMENT SHALL DEVELOP A DATA FORM TO
15 FACILITATE THE COLLECTION OF STATISTICAL AND DEMOGRAPHIC
16 INFORMATION FROM A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM
17 AND A COUNTY AGENCY, WHICH CAN BE INCORPORATED INTO A STUDY
18 CONDUCTED BY THE DEPARTMENT.

19 SECTION 3. SECTION 6343 OF TITLE 23 IS AMENDED BY ADDING A
20 SUBSECTION TO READ:

21 § 6343. INVESTIGATING PERFORMANCE OF COUNTY AGENCY.

22 * * *

23 (C) DEPARTMENT REVIEWS AND REPORTS OF CHILD FATALITIES AND
24 NEAR FATALITIES.--

25 (1) THE DEPARTMENT SHALL CONDUCT A CHILD FATALITY AND
26 NEAR FATALITY REVIEW AND PROVIDE A WRITTEN REPORT ON ANY
27 CHILD FATALITY OR NEAR FATALITY, IF CHILD ABUSE IS SUSPECTED.

28 THE DEPARTMENT SHALL SUMMARIZE:

29 (I) THE CIRCUMSTANCES OF THE CHILD'S FATALITY OR
30 NEAR FATALITY;

1 (II) THE NATURE AND EXTENT OF ITS REVIEW;

2 (III) STATUTORY AND REGULATORY COMPLIANCE BY THE

3 COUNTY AGENCY IN THE COUNTY WHERE:

4 (A) THE FATALITY OR NEAR FATALITY OCCURRED; AND

5 (B) THE CHILD RESIDED WITHIN THE 16 MONTHS
6 PRECEDING THE FATALITY OR NEAR FATALITY;

7 (IV) ITS FINDINGS; AND

8 (V) RECOMMENDATIONS FOR REDUCING THE LIKELIHOOD OF
9 FUTURE CHILD FATALITIES AND NEAR FATALITIES RESULTING
10 FROM CHILD ABUSE.

11 (2) THE DEPARTMENT'S CHILD FATALITY OR NEAR FATALITY
12 REVIEW SHALL BE COMMENCED IMMEDIATELY UPON RECEIPT OF A
13 REPORT TO THE DEPARTMENT THAT A CHILD DIED OR NEARLY DIED AS
14 A RESULT OF SUSPECTED CHILD ABUSE. THE DEPARTMENT SHALL
15 PROVIDE ASSISTANCE AND RELEVANT INFORMATION TO THE CHILD
16 FATALITY OR NEAR FATALITY REVIEW TEAM AND ATTEMPT TO
17 COORDINATE ITS FACT-FINDING EFFORTS AND INTERVIEWS WITH THE
18 TEAM TO AVOID DUPLICATION. THE DEPARTMENT'S CHILD FATALITY OR
19 NEAR FATALITY REVIEW AND REPORT SHALL BE COMPLETED AS SOON AS
20 POSSIBLE BUT NO LATER THAN SIX MONTHS FROM RECEIPT OF THE
21 INITIAL REPORT OF THE CHILD FATALITY OR NEAR FATALITY.

22 (3) PRIOR TO COMPLETING ITS REPORT, THE DEPARTMENT MAY
23 RELEASE THE FOLLOWING INFORMATION TO THE PUBLIC CONCERNING A
24 CHILD WHO DIED OR NEARLY DIED AS A RESULT OF SUSPECTED OR
25 SUBSTANTIATED CHILD ABUSE:

26 (I) THE IDENTITY OF THE CHILD.

27 (II) IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC OR
28 PRIVATE AGENCY, THE IDENTITY OF THE AGENCY.

29 (III) THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY
30 UNDER CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES

1 TO THE CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME
2 PRIOR TO THE CHILD'S DEATH OR NEAR FATALITY.

3 (IV) A DESCRIPTION OF SERVICES PROVIDED UNDER
4 SUBPARAGRAPH (III).

5 (V) THE IDENTITY OF THE COUNTY AGENCY THAT CONVENE
6 A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM WITH
7 RESPECT TO THE CHILD.

8 (4) UPON COMPLETION OF THE REVIEW AND REPORT, THE
9 DEPARTMENT'S CHILD FATALITY OR NEAR FATALITY REPORT SHALL BE
10 MADE AVAILABLE TO THE COUNTY AGENCY, THE CHILD FATALITY OR
11 NEAR FATALITY REVIEW TEAM AND DESIGNATED COUNTY OFFICIALS
12 UNDER SECTION 6340(A)(11) (RELATING TO RELEASE OF INFORMATION
13 IN CONFIDENTIAL REPORTS). THE REPORT SHALL BE MADE AVAILABLE,
14 UPON REQUEST, TO OTHER INDIVIDUALS TO WHOM CONFIDENTIAL
15 REPORTS MAY BE RELEASED, AS SPECIFIED BY SECTION 6340. THE
16 DEPARTMENT'S REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC,
17 BUT IDENTIFYING INFORMATION SHALL BE REMOVED FROM THE
18 CONTENTS OF THE REPORT EXCEPT FOR DISCLOSURE OF: THE IDENTITY
19 OF A DECEASED CHILD; IF THE CHILD WAS IN THE CUSTODY OF A
20 PUBLIC OR PRIVATE AGENCY, THE IDENTITY OF THE AGENCY; THE
21 IDENTITY OF THE PUBLIC OR PRIVATE AGENCY UNDER CONTRACT WITH
22 A COUNTY AGENCY TO PROVIDE SERVICES TO THE CHILD AND THE
23 CHILD'S FAMILY IN THE CHILD'S HOME PRIOR TO THE CHILD'S DEATH
24 OR NEAR FATALITY; AND THE IDENTITY OF ANY COUNTY AGENCY THAT
25 CONVENE
26 A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM IN
27 RESPECT TO THE CHILD. THE REPORT SHALL NOT BE RELEASED TO THE
28 PUBLIC IF THE DISTRICT ATTORNEY CERTIFIES THAT RELEASE OF THE
29 REPORT MAY COMPROMISE A PENDING CRIMINAL INVESTIGATION OR
30 PROCEEDING. CERTIFICATION BY THE DISTRICT ATTORNEY SHALL STAY
THE RELEASE OF THE REPORT FOR A PERIOD OF 60 DAYS, AT WHICH

1 TIME THE REPORT SHALL BE RELEASED UNLESS A NEW CERTIFICATION
2 IS MADE BY THE DISTRICT ATTORNEY.

3 SECTION 4. SECTION 6343.1(A) AND (B)(2)(II) OF TITLE 23 ARE
4 AMENDED TO READ:

5 § 6343.1. CITIZEN REVIEW PANELS.

6 (A) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH A MINIMUM
7 OF THREE CITIZEN REVIEW PANELS. THE DEPARTMENT MAY DESIGNATE A
8 CHILD FATALITY OR NEAR FATALITY REVIEW TEAM UNDER SECTION
9 6365(D) (RELATING TO SERVICES FOR PREVENTION, INVESTIGATION AND
10 TREATMENT OF CHILD ABUSE) AS A CITIZEN REVIEW PANEL AS LONG AS
11 THE TEAM HAS THE CAPACITY TO PERFORM AS A CITIZEN REVIEW PANEL.

12 (B) FUNCTION.--THE PANELS SHALL EXAMINE ALL OF THE
13 FOLLOWING:

14 * * *

15 (2) OTHER CRITERIA THE PANEL CONSIDERS IMPORTANT TO
16 ENSURE THE PROTECTION OF CHILDREN, INCLUDING:

17 * * *

18 (II) A REVIEW OF CHILD FATALITIES AND NEAR
19 FATALITIES[.], INCLUDING, BUT NOT LIMITED TO, A REVIEW OF
20 ANY CHILD FATALITY OR NEAR FATALITY INVOLVING A CHILD IN
21 THE CUSTODY OF A PUBLIC OR PRIVATE AGENCY WHERE THERE IS
22 NO REPORT OF SUSPECTED CHILD ABUSE AND THE CAUSE OF DEATH
23 IS NEITHER THE RESULT OF CHILD ABUSE NOR NATURAL CAUSES.

24 * * *

25 SECTION 5. SECTIONS 6365 AND 6367 OF TITLE 23 ARE AMENDED BY
26 ADDING SUBSECTIONS TO READ:

27 § 6365. SERVICES FOR PREVENTION, INVESTIGATION AND TREATMENT OF
28 CHILD ABUSE.

29 * * *

30 (D) CHILD FATALITY OR NEAR FATALITY REVIEW TEAM AND WRITTEN

1 REPORT.--

2 (1) A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM SHALL
3 BE CONVENED BY A COUNTY AGENCY IN ACCORDANCE WITH A PROTOCOL
4 DEVELOPED BY THE COUNTY AGENCY, THE DEPARTMENT AND THE
5 DISTRICT ATTORNEY IN A CASE WHEN A CHILD DIES OR NEARLY DIES
6 AS A RESULT OF CHILD ABUSE AS TO WHICH THERE IS AN INDICATED
7 REPORT OR WHEN THE COUNTY AGENCY HAS NOT MADE A STATUS
8 DETERMINATION WITHIN 30 DAYS. THE TEAM MAY CONVENE AFTER A
9 COUNTY AGENCY MAKES A DETERMINATION OF AN INDICATED REPORT
10 AND SHALL CONVENE NO LATER THAN 31 DAYS FROM THE RECEIPT OF
11 THE ORAL REPORT TO THE DEPARTMENT OF THE SUSPECTED CHILD
12 ABUSE. A COUNTY AGENCY IN THE COUNTY WHERE THE ABUSE OCCURRED
13 AND IN ANY COUNTY WHERE THE CHILD RESIDED WITHIN THE 16
14 MONTHS PRECEDING THE FATALITY OR NEAR FATALITY SHALL CONVENE
15 A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM. A TEAM SHALL
16 CONSIST OF AT LEAST SIX INDIVIDUALS WHO ARE BROADLY
17 REPRESENTATIVE OF THE COUNTY WHERE THE TEAM IS ESTABLISHED
18 AND WHO HAVE EXPERTISE IN PREVENTION AND TREATMENT OF CHILD
19 ABUSE. WITH CONSIDERATION GIVEN TO THE CIRCUMSTANCES OF EACH
20 CASE AND AVAILABILITY OF INDIVIDUALS TO SERVE AS MEMBERS, THE
21 TEAM MAY CONSIST OF THE FOLLOWING INDIVIDUALS:

22 (I) A STAFF PERSON FROM THE COUNTY AGENCY.

23 (II) A MEMBER OF THE ADVISORY COMMITTEE OF THE
24 COUNTY AGENCY.

25 (III) A HEALTH CARE PROFESSIONAL.

26 (IV) A REPRESENTATIVE OF A LOCAL SCHOOL, EDUCATIONAL
27 PROGRAM OR CHILD CARE OR EARLY CHILDHOOD DEVELOPMENT
28 PROGRAM.

29 (V) A REPRESENTATIVE OF LAW ENFORCEMENT OR THE
30 DISTRICT ATTORNEY.

1 (VI) AN ATTORNEY-AT-LAW TRAINED IN LEGAL
2 REPRESENTATION OF CHILDREN OR AN INDIVIDUAL TRAINED UNDER
3 42 PA.C.S. § 6342 (RELATING TO COURT-APPOINTED SPECIAL
4 ADVOCATES).

5 (VII) A MENTAL HEALTH PROFESSIONAL.

6 (VIII) A REPRESENTATIVE OF A CHILDREN'S ADVOCACY
7 CENTER THAT PROVIDES SERVICES TO CHILDREN IN THE COUNTY.
8 THE INDIVIDUAL UNDER THIS SUBPARAGRAPH MUST NOT BE AN
9 EMPLOYEE OF THE COUNTY AGENCY.

10 (IX) THE COUNTY CORONER OR FORENSIC PATHOLOGIST.

11 (X) A REPRESENTATIVE OF A LOCAL DOMESTIC VIOLENCE
12 PROGRAM.

13 (XI) A REPRESENTATIVE OF A LOCAL DRUG AND ALCOHOL
14 PROGRAM.

15 (XII) AN INDIVIDUAL REPRESENTING PARENTS.

16 (XIII) ANY INDIVIDUAL WHOM THE COUNTY AGENCY OR
17 CHILD FATALITY OR NEAR FATALITY REVIEW TEAM DETERMINES IS
18 NECESSARY TO ASSIST THE TEAM IN PERFORMING ITS DUTIES.

19 (2) MEMBERS OF THE TEAM SHALL BE RESPONSIBLE FOR ALL OF
20 THE FOLLOWING:

21 (I) MAINTAINING CONFIDENTIALITY OF INFORMATION UNDER
22 SECTIONS 6339 (RELATING TO CONFIDENTIALITY OF REPORTS)
23 AND 6340.

24 (II) PROVIDING AND DISCUSSING RELEVANT CASE-SPECIFIC
25 INFORMATION.

26 (III) ATTENDING AND PARTICIPATING IN ALL MEETINGS
27 AND ACTIVITIES AS REQUIRED.

28 (IV) ASSISTING IN THE DEVELOPMENT OF THE REPORT
29 UNDER PARAGRAPH (4)(V).

30 (3) THE COUNTY AGENCY, IN ACCORDANCE WITH THE PROTOCOL

1 AND IN CONSULTATION WITH THE TEAM, SHALL APPOINT AN
2 INDIVIDUAL WHO IS NOT AN EMPLOYEE OF THE COUNTY AGENCY TO
3 SERVE AS CHAIRPERSON.

4 (4) THE TEAM SHALL PERFORM THE FOLLOWING:

5 (I) REVIEW THE CIRCUMSTANCES OF THE CHILD'S FATALITY
6 OR NEAR FATALITY RESULTING FROM SUSPECTED OR
7 SUBSTANTIATED CHILD ABUSE.

8 (II) REVIEW THE DELIVERY OF SERVICES TO THE ABUSED
9 CHILD AND THE CHILD'S FAMILY PROVIDED BY THE COUNTY
10 AGENCY AND REVIEW SERVICES PROVIDED TO THE PERPETRATOR BY
11 THE COUNTY AGENCY IN EACH COUNTY WHERE THE CHILD AND
12 FAMILY RESIDED WITHIN THE 16 MONTHS PRECEDING THE
13 FATALITY OR NEAR FATALITY AND THE SERVICES PROVIDED TO
14 THE CHILD, THE CHILD'S FAMILY AND THE PERPETRATOR BY
15 OTHER PUBLIC AND PRIVATE COMMUNITY AGENCIES OR
16 PROFESSIONALS. THIS SUBPARAGRAPH INCLUDES LAW
17 ENFORCEMENT, MENTAL HEALTH SERVICES, PROGRAMS FOR YOUNG
18 CHILDREN AND CHILDREN WITH SPECIAL NEEDS, DRUG AND
19 ALCOHOL PROGRAMS, LOCAL SCHOOLS AND HEALTH CARE
20 PROVIDERS.

21 (III) REVIEW RELEVANT COURT RECORDS AND DOCUMENTS
22 RELATED TO THE ABUSED CHILD AND THE CHILD'S FAMILY.

23 (IV) REVIEW THE COUNTY AGENCY'S COMPLIANCE WITH
24 STATUTES AND REGULATIONS AND WITH RELEVANT POLICIES AND
25 PROCEDURES OF THE COUNTY AGENCY.

26 (V) WITHIN 90 DAYS OF CONVENING, SUBMIT A FINAL
27 WRITTEN REPORT ON THE CHILD FATALITY OR NEAR FATALITY TO
28 THE DEPARTMENT AND DESIGNATED COUNTY OFFICIALS UNDER
29 SECTION 6340(A)(11). WITHIN 30 DAYS AFTER SUBMISSION OF
30 THE REPORT TO THE DEPARTMENT, THE REPORT SHALL BE MADE

1 AVAILABLE, UPON REQUEST, TO OTHER INDIVIDUALS TO WHOM
2 CONFIDENTIAL REPORTS MAY BE RELEASED, AS SPECIFIED BY
3 SECTION 6340. THE REPORT SHALL BE MADE AVAILABLE TO THE
4 PUBLIC, BUT IDENTIFYING INFORMATION SHALL BE REMOVED FROM
5 THE CONTENTS OF THE REPORT EXCEPT FOR DISCLOSURE OF: THE
6 IDENTITY OF A DECEASED CHILD; IF THE CHILD WAS IN THE
7 CUSTODY OF A PUBLIC OR PRIVATE AGENCY, THE IDENTITY OF
8 THE AGENCY; THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY
9 UNDER CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES
10 TO THE CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME
11 PRIOR TO THE CHILD'S DEATH OR NEAR FATALITY; AND THE
12 IDENTITY OF ANY COUNTY AGENCY THAT CONVENED A CHILD
13 FATALITY OR NEAR FATALITY REVIEW TEAM IN RESPECT TO THE
14 CHILD. THE REPORT SHALL NOT BE RELEASED TO THE PUBLIC IF
15 THE DISTRICT ATTORNEY CERTIFIES THAT RELEASE OF THE
16 REPORT MAY COMPROMISE A PENDING CRIMINAL INVESTIGATION OR
17 PROCEEDING. CERTIFICATION BY THE DISTRICT ATTORNEY SHALL
18 STAY THE RELEASE OF THE REPORT FOR A PERIOD OF 60 DAYS,
19 AT WHICH TIME THE REPORT SHALL BE RELEASED UNLESS A NEW
20 CERTIFICATION IS MADE BY THE DISTRICT ATTORNEY. THE
21 REPORT SHALL INCLUDE:

22 (A) DEFICIENCIES AND STRENGTHS IN:

23 (I) COMPLIANCE WITH STATUTES AND
24 REGULATIONS; AND

25 (II) SERVICES TO CHILDREN AND FAMILIES.

26 (B) RECOMMENDATIONS FOR CHANGES AT THE STATE AND
27 LOCAL LEVELS ON:

28 (I) REDUCING THE LIKELIHOOD OF FUTURE CHILD
29 FATALITIES AND NEAR FATALITIES DIRECTLY RELATED
30 TO CHILD ABUSE AND NEGLECT;

1 (II) MONITORING AND INSPECTION OF COUNTY
2 AGENCIES; AND

3 (III) COLLABORATION OF COMMUNITY AGENCIES
4 AND SERVICE PROVIDERS TO PREVENT CHILD ABUSE AND
5 NEGLECT.

6 (E) RESPONSE BY DEPARTMENT.--WITHIN 45 DAYS OF RECEIPT OF A
7 REPORT OF A CHILD FATALITY OR NEAR FATALITY UNDER SUBSECTION
8 (D), THE DEPARTMENT SHALL REVIEW THE FINDINGS AND
9 RECOMMENDATIONS OF THE REPORT AND PROVIDE A WRITTEN RESPONSE TO
10 THE COUNTY AGENCY AND THE CHILD FATALITY REVIEW TEAM OR NEAR
11 FATALITY REVIEW TEAM. THE DEPARTMENT'S RESPONSE TO THE REPORT OF
12 THE CHILD FATALITY OR NEAR FATALITY REVIEW TEAM SHALL BE MADE
13 AVAILABLE, UPON REQUEST, TO OTHER INDIVIDUALS TO WHOM
14 CONFIDENTIAL REPORTS MAY BE RELEASED, AS SPECIFIED BY SECTION
15 6340. THE DEPARTMENT'S RESPONSE SHALL BE MADE AVAILABLE TO THE
16 PUBLIC, BUT IDENTIFYING INFORMATION SHALL BE REMOVED FROM THE
17 CONTENTS OF THE RESPONSE, EXCEPT FOR DISCLOSURE OF: THE IDENTITY
18 OF A DECEASED CHILD; IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC
19 OR PRIVATE AGENCY, THE IDENTITY OF THE AGENCY; THE IDENTITY OF
20 THE PUBLIC OR PRIVATE AGENCY UNDER CONTRACT WITH A COUNTY AGENCY
21 TO PROVIDE SERVICES TO THE CHILD AND THE CHILD'S FAMILY IN THE
22 CHILD'S HOME PRIOR TO THE CHILD'S DEATH OR NEAR FATALITY; AND
23 THE IDENTITY OF ANY COUNTY AGENCY THAT CONVENED A CHILD FATALITY
24 OR NEAR FATALITY REVIEW TEAM IN RESPECT TO THE CHILD. THE
25 RESPONSE SHALL NOT BE RELEASED TO THE PUBLIC IF THE DISTRICT
26 ATTORNEY CERTIFIES THAT RELEASE OF THE RESPONSE MAY COMPROMISE A
27 PENDING CRIMINAL INVESTIGATION OR PROCEEDING. CERTIFICATION BY
28 THE DISTRICT ATTORNEY SHALL STAY THE RELEASE OF THE REPORT FOR A
29 PERIOD OF 60 DAYS, AT WHICH TIME THE REPORT SHALL BE RELEASED
30 UNLESS A NEW CERTIFICATION IS MADE BY THE DISTRICT ATTORNEY.

1 (F) CONSTRUCTION.--THE PROVISIONS OF THIS SECTION SHALL BE
2 CONSTRUED TO ASSIST IN THE IMPROVEMENT OF SERVICES DESIGNED TO
3 IDENTIFY AND PREVENT CHILD ABUSE. THE PROVISIONS SHALL NOT BE
4 CONSTRUED TO IMPEDE OR INTERFERE WITH CRIMINAL PROSECUTIONS OF
5 PERSONS WHO HAVE COMMITTED CHILD ABUSE.

6 § 6367. REPORTS TO DEPARTMENT AND CORONER.

7 * * *

8 (C) CHILD DEATHS AND NEAR FATALITIES.--A COUNTY AGENCY SHALL
9 IMMEDIATELY PROVIDE INFORMATION TO THE DEPARTMENT REGARDING ITS
10 INVOLVEMENT WITH THE CHILD AND WITH THE CHILD'S PARENT, GUARDIAN
11 OR CUSTODIAN WHEN A CHILD DIES OR NEARLY DIES AND CHILD ABUSE IS
12 SUSPECTED. THE COUNTY AGENCY SHALL INFORM THE DEPARTMENT OF ANY
13 HISTORY OF CHILD PROTECTIVE OR GENERAL PROTECTIVE SERVICES
14 PROVIDED TO THE CHILD PRIOR TO THE CHILD'S DEATH OR NEAR
15 FATALITY AND OF SERVICES PROVIDED TO OTHER CHILDREN OF THE
16 CHILD'S PARENT, GUARDIAN OR CUSTODIAN BY THE COUNTY AGENCY OR BY
17 COURT ORDER. THE COUNTY AGENCY SHALL INFORM THE DEPARTMENT IF
18 THE CHILD WAS IN THE AGENCY'S CUSTODY AT THE TIME OF THE CHILD'S
19 DEATH OR NEAR FATALITY. THE COUNTY AGENCY SHALL PROVIDE THIS
20 INFORMATION IN WRITING ON FORMS PROVIDED BY THE DEPARTMENT
21 WITHIN 48 HOURS OF THE ORAL REPORT.

22 SECTION 6. WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THIS
23 SECTION, THE DEPARTMENT OF PUBLIC WELFARE SHALL SUBMIT A REPORT
24 TO THE GOVERNOR AND GENERAL ASSEMBLY ON IMPLEMENTATION OF CHILD
25 ABUSE AND CRIMINAL HISTORY INFORMATION REQUIREMENTS UNDER THE
26 ACT OF DECEMBER 18, 2007 (P.L.469, NO.73), ENTITLED "AN ACT
27 AMENDING TITLE 23 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA
28 CONSOLIDATED STATUTES, FURTHER PROVIDING FOR INFORMATION
29 RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL." INFORMATION SHALL
30 INCLUDE, BUT NOT BE LIMITED TO:

1 (1) A SUMMARY OF THE REQUIREMENTS OF THE ACT OF DECEMBER
2 18, 2007 (P.L.469, NO.73), ENTITLED "AN ACT AMENDING TITLE 23
3 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA CONSOLIDATED
4 STATUTES, FURTHER PROVIDING FOR INFORMATION RELATING TO
5 PROSPECTIVE CHILD-CARE PERSONNEL."

6 (2) THE NUMBER OF APPLICANTS FOR CHILD-CARE SERVICES,
7 DAY-CARE PROVIDERS AND FOSTER AND ADOPTIVE PARENTS AND ADULT
8 PERSONS WHO RESIDE IN THEIR HOMES WHO ARE IMPACTED BY THE
9 REQUIREMENTS.

10 (3) FEES FOR FEDERAL CRIMINAL HISTORY RECORD CHECKS.

11 (4) A DESCRIPTION OF THE ADMINISTRATIVE PROCESS FOR THE
12 ELECTRONIC TRANSMISSION OF FINGERPRINTS TO THE FEDERAL BUREAU
13 OF INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORDS.

14 (5) ANY FINDINGS AND RECOMMENDATIONS.

15 SECTION 7. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.