

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 30 Session of 2013

INTRODUCED BY ERICKSON, KASUNIC, FONTANA, WASHINGTON, TEPLITZ, BAKER, YUDICHAK, TARTAGLIONE, WAUGH, MENSCH, BROWNE, SCARNATI, WARD, PILEGGI, BOSCOLA, HUGHES, COSTA AND FARNESE, MARCH 15, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, OCTOBER 1, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions; repealing provisions relating to
4 immunity from liability; further providing for establishment
5 of pending complaint file, Statewide central register and
6 file of unfounded reports; repealing provisions relating to
7 amendment or expunction of information; and providing for
8 disposition of reports upon completion of ~~assessment or~~ <--
9 investigation, FOR REQUESTS FOR REVIEWS OF INDICATED REPORTS <--
10 FOR REQUESTS for appeals of indicated reports and for
11 immunity from liability.

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

14 Section 1. Section 6303(a) of Title 23 of the Pennsylvania
15 Consolidated Statutes is amended by adding definitions to read:
16 § 6303. Definitions.

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

20 \* \* \*

21 "Child-care services." As follows:

1 (1) Includes any of the following:

2 (i) Child day-care centers.

3 (ii) Group day-care homes.

4 (iii) Family day-care homes.

5 (iv) Foster homes.

6 (v) Adoptive parents.

7 (vi) Boarding homes for children.

8 (vii) Juvenile detention center services or programs  
9 for delinquent or dependent children.

10 (viii) Mental health services for children.

11 (ix) Services for children with intellectual  
12 disabilities.

13 (x) Early intervention services for children.

14 (xi) Drug and alcohol services for children.

15 (xii) Day-care services or programs that are offered  
16 by a school.

17 (xiii) Other child-care services that are provided  
18 by or subject to approval, licensure, registration or  
19 certification by the Department of Public Welfare or a  
20 county social services agency or that are provided  
21 pursuant to a contract with the Department of Public  
22 Welfare or a county social services agency.

23 (2) The term does not include child-care services or  
24 programs which may be offered by public and private schools,  
25 intermediate units or area-vocational-technical schools.

26 \* \* \*

27 "School." A facility providing elementary, secondary or  
28 postsecondary educational services. The term includes the  
29 following:

30 (1) Any school of a school district.

- 1           (2) An area vocational-technical school.
- 2           (3) A joint school.
- 3           (4) An intermediate unit.
- 4           (5) A charter school or regional charter school.
- 5           (6) A cyber charter school.
- 6           (7) A private school licensed under the act of January  
7 28, 1988 (P.L.24, No.11), known as the Private Academic  
8 Schools Act.
- 9           (8) A private school accredited by an accrediting  
10 association approved by the State Board of Education.
- 11           (9) A nonpublic school.
- 12           (10) A community college which is an institution now or  
13 hereafter created pursuant to Article XIX-A of the act of  
14 March 10, 1949 (P.L.30, No.14), known as the Public School  
15 Code of 1949, or the former act of August 24, 1963 (P.L.1132,  
16 No.484), known as the Community College Act of 1963.
- 17           (11) An independent institution of higher education  
18 which is an institution of higher education which is operated  
19 not for profit, located in and incorporated or chartered by  
20 the Commonwealth, entitled to confer degrees as set forth in  
21 24 Pa.C.S. § 6505 (relating to power to confer degrees) and  
22 entitled to apply to itself the designation "college" or  
23 "university" as provided for by standards and qualifications  
24 prescribed by the State Board of Education pursuant to 24  
25 Pa.C.S. Ch. 65 (relating to private colleges, universities  
26 and seminaries).
- 27           (12) A State-owned university.
- 28           (13) A State-related university.
- 29           (14) A private school licensed under the act of December  
30 15, 1986 (P.L.1585, No.174), known as the Private Licensed

1 Schools Act.

2 (15) The Hiram G. Andrews Center.

3 (16) A private residential rehabilitative institution as  
4 defined in section 914.1-A(c) of the Public School Code of  
5 1949.

6 \* \* \*

7 Section 2. Section 6318 of Title 23 is repealed:

8 [§ 6318. Immunity from liability.

9 (a) General rule.--A person, hospital, institution, school,  
10 facility, agency or agency employee that participates in good  
11 faith in the making of a report, whether required or not,  
12 cooperating with an investigation, including providing  
13 information to a child fatality or near fatality review team,  
14 testifying in a proceeding arising out of an instance of  
15 suspected child abuse, the taking of photographs or the removal  
16 or keeping of a child pursuant to section 6315 (relating to  
17 taking child into protective custody), and any official or  
18 employee of a county agency who refers a report of suspected  
19 abuse to law enforcement authorities or provides services under  
20 this chapter, shall have immunity from civil and criminal  
21 liability that might otherwise result by reason of those  
22 actions.

23 (b) Presumption of good faith.--For the purpose of any civil  
24 or criminal proceeding, the good faith of a person required to  
25 report pursuant to section 6311 (relating to persons required to  
26 report suspected child abuse) and of any person required to make  
27 a referral to law enforcement officers under this chapter shall  
28 be presumed.]

29 Section 3. Section 6331(2) of Title 23 is amended to read:

30 § 6331. Establishment of pending complaint file, Statewide

1 central register and file of unfounded reports.

2 There shall be established in the department:

3 \* \* \*

4 (2) A Statewide central register of child abuse which  
5 shall consist of founded and indicated reports[.] and which  
6 contains the following subfiles that shall be retained  
7 indefinitely:

8 (i) A subfile of the names of perpetrators of  
9 indicated and founded reports of child abuse if the  
10 individual's Social Security number or date of birth is  
11 known to the department.

12 (ii) A subfile of the names of the persons who made  
13 an intentionally false report of suspected child abuse  
14 under 18 Pa.C.S. § 4906.1 (relating to false reports of  
15 child abuse), including the name of the subject child,  
16 which shall only be made available to law enforcement,  
17 the department or the county agency investigating new  
18 allegations of suspected child abuse at child-care  
19 services, FACILITY OR SCHOOL to determine the existence <--  
20 of a pattern of false reports of suspected child abuse on  
21 behalf of any one person or subject child.

22 \* \* \*

23 Section 4. Section 6341 of Title 23 is repealed:

24 [§ 6341. Amendment or expunction of information.

25 (a) General rule.--At any time:

26 (1) The secretary may amend or expunge any record under  
27 this chapter upon good cause shown and notice to the  
28 appropriate subjects of the report.

29 (2) Any person named as a perpetrator, and any school  
30 employee named, in an indicated report of child abuse may,

1 within 45 days of being notified of the status of the report,  
2 request the secretary to amend or expunge an indicated report  
3 on the grounds that it is inaccurate or it is being  
4 maintained in a manner inconsistent with this chapter.

5 (b) Review of grant of request.--If the secretary grants the  
6 request under subsection (a) (2), the Statewide central register,  
7 appropriate county agency, appropriate law enforcement officials  
8 and all subjects shall be so advised of the decision. The county  
9 agency and any subject have 45 days in which to file an  
10 administrative appeal with the secretary. If an administrative  
11 appeal is received, the secretary or his designated agent shall  
12 schedule a hearing pursuant to Article IV of the act of June 13,  
13 1967 (P.L.31, No.21), known as the Public Welfare Code, and  
14 attending departmental regulations. If no administrative appeal  
15 is received within the designated time period, the Statewide  
16 central register shall comply with the decision of the secretary  
17 and advise the county agency to amend or expunge the information  
18 in their records so that the records are consistent at both the  
19 State and local levels.

20 (c) Review of refusal of request.--If the secretary refuses  
21 the request under subsection (a) (2) or does not act within a  
22 reasonable time, but in no event later than 30 days after  
23 receipt of the request, the perpetrator or school employee shall  
24 have the right to a hearing before the secretary or a designated  
25 agent of the secretary to determine whether the summary of the  
26 indicated report in the Statewide central register should be  
27 amended or expunged on the grounds that it is inaccurate or that  
28 it is being maintained in a manner inconsistent with this  
29 chapter. The perpetrator or school employee shall have 45 days  
30 from the date of the letter giving notice of the decision to

1 deny the request in which to request a hearing. The appropriate  
2 county agency and appropriate law enforcement officials shall be  
3 given notice of the hearing. The burden of proof in the hearing  
4 shall be on the appropriate county agency. The department shall  
5 assist the county agency as necessary.

6 (d) Stay of proceedings.--Any administrative appeal  
7 proceeding pursuant to subsection (b) shall be automatically  
8 stayed upon notice to the department by either of the parties  
9 when there is a pending criminal proceeding or a dependency or  
10 delinquency proceeding pursuant to 42 Pa.C.S. Ch. 63 (relating  
11 to juvenile matters), including any appeal thereof, involving  
12 the same factual circumstances as the administrative appeal.

13 (e) Order.--The secretary or designated agent may make any  
14 appropriate order respecting the amendment or expunction of such  
15 records to make them accurate or consistent with the  
16 requirements of this chapter.

17 (f) Notice of expunction.--Written notice of an expunction  
18 of any child abuse record made pursuant to the provisions of  
19 this chapter shall be served upon the subject of the record who  
20 was responsible for the abuse or injury and the appropriate  
21 county agency. Except as provided in this subsection, the county  
22 agency, upon receipt of the notice, shall take appropriate,  
23 similar action in regard to the local child abuse and school  
24 employee records and inform, for the same purpose, the  
25 appropriate coroner if that officer has received reports  
26 pursuant to section 6367 (relating to reports to department and  
27 coroner). Whenever the county agency investigation reveals,  
28 within 60 days of receipt of the report of suspected child  
29 abuse, that the report is unfounded but that the subjects need  
30 services provided or arranged by the county agency, the county

1 agency shall retain those records and shall specifically  
2 identify that the report was an unfounded report of suspected  
3 child abuse. An unfounded report regarding subjects who receive  
4 services shall be expunged no later than 120 days following the  
5 expiration of one year after the termination or completion of  
6 services provided or arranged by the county agency.]

7 Section 5. Title 23 is amended by adding sections to read:

8 § 6341.1. Disposition of reports upon completion of  
9 investigation.

10 (a) Final determination.--

11 (1) Upon completion of an investigation by a county  
12 agency, the county agency shall:

13 (i) inform the department that:

14 (A) the child abuse report or complaint has been  
15 determined to be unfounded, indicated or founded; and

16 (B) whether there is any acceptance for  
17 services; and

18 (ii) if there is no acceptance for services, state  
19 whether the family was referred for other community  
20 services.

21 (2) Each case shall bear a notation as to the effect of  
22 its outcome.

23 (b) Review of indicated reports.--A final determination that  
24 a report of suspected child abuse is indicated shall be made by <--  
25 the county agency solicitor and the county administrator or the  
26 designee of the administrator.: <--

27 (1) IF THE COUNTY IS THE INVESTIGATING AGENCY, BY THE  
28 COUNTY ADMINISTRATOR OR A DESIGNEE AND THE COUNTY SOLICITOR;  
29 OR

30 (2) IF THE DEPARTMENT IS THE INVESTIGATING AGENCY, BY

1 THE SECRETARY OR A DESIGNEE AND LEGAL COUNSEL FOR THE  
2 DEPARTMENT.

3 (c) Failure to make determination.--

4 (1) Subject to paragraph (2), a report of suspected  
5 child abuse shall be considered to be an unfounded report if  
6 within 60 days of the date of the initial report an  
7 investigation of the report by the county agency does not  
8 determine that the report is a founded report, indicated  
9 report or unfounded report.

10 (2) If court action has been initiated but the court has  
11 not determined that the report is a founded report, and the  
12 lack of such a determination results in the county agency not  
13 being able to make its determination under paragraph (1), the  
14 report shall be identified in the Statewide database as  
15 pending and the status of the report shall be updated in the  
16 Statewide database following the court determination.

17 (d) Notification of court action.--The county agency shall  
18 advise the department that court action or an arrest has been  
19 initiated so that the database is kept current regarding the  
20 status of all legal proceedings.

21 (e) Notice of final determination.--Within 24 business hours  
22 of entering of the information into the Statewide central  
23 registry, the department shall send notice of the final  
24 determination to the subjects of the report, other than the  
25 abused child, and the mandated reporter if a report was made  
26 under section 6313 (relating to reporting procedure). For the  
27 purpose of this section, notice of the report shall be deemed  
28 received by the intended recipient if the report was mailed to  
29 the recipient's last known post office address and was not  
30 returned to the department as undeliverable by the postal

1 service. The notice shall include in following information:

2 (1) The status of the report.

3 (2) The perpetrator's right to request the secretary to  
4 amend the report.

5 (3) The right of the subjects of the report to services  
6 from the county agency.

7 (4) The effect of the report upon future employment  
8 opportunities involving children.

9 (5) The fact that the name of the perpetrator, the  
10 nature of the abuse and the final status of the report will  
11 be kept on file indefinitely if the Social Security number or  
12 date of birth is known.

13 (6) The perpetrator's right to appeal an indicated  
14 finding of abuse within 45 days of the conclusion of the  
15 investigation that determined the report to be indicated.

16 (7) The perpetrator's right to a fair hearing on the  
17 merits on an appeal of an indicated report.

18 (8) The burden on the investigative agency to prove its  
19 case by substantial evidence in an appeal of an indicated  
20 report.

21 § 6341.2. REQUESTS FOR REVIEWS OF INDICATED REPORTS. <--

22 (A) REQUEST BY PERPETRATOR.--A PERSON NAMED AS A PERPETRATOR  
23 IN AN INDICATED REPORT MAY REQUEST THE SECRETARY TO AMEND THE  
24 REPORT ON THE GROUNDS THAT IT IS INACCURATE OR IS BEING  
25 MAINTAINED IN A MANNER INCONSISTENT WITH THIS CHAPTER. THE  
26 REQUEST MUST BE FILED WITHIN 45 DAYS OF THE DATE OF THE NOTICE  
27 OF THE FINAL DETERMINATION THAT THE REPORT IS INDICATED.

28 ~~(f)~~ (B) Amendment by secretary.--At any time the secretary <--  
29 may amend any record under this chapter upon good cause shown  
30 and notice to the appropriate subjects of the report and the

1 county agency having jurisdiction over the report.

2 ~~(g) Request by perpetrator. Any person named as a~~ <--  
3 ~~perpetrator in an indicated report may request the secretary to~~  
4 ~~amend the report on the grounds that it is inaccurate or is~~  
5 ~~being maintained in a manner inconsistent with this chapter. The~~  
6 ~~request shall be filed within 45 days of the date of the notice~~  
7 ~~of the final determination that the report is indicated.~~

8 ~~(h) (C) Review of refusal of request.--If the secretary~~ <--  
9 ~~refuses the request under subsection (f) (A) or does not act~~ <--  
10 ~~within a reasonable time, but in no event later than 30 days~~  
11 ~~after receipt of the request, the perpetrator shall have the~~  
12 ~~right to a hearing before the secretary or a designated agent of~~  
13 ~~the secretary to determine whether the summary of the indicated~~  
14 ~~report in the Statewide central register should be amended or~~  
15 ~~expunged on the grounds that it is inaccurate or that it is~~  
16 ~~being maintained in a manner inconsistent with this chapter. The~~  
17 ~~perpetrator shall have 45 days from the date of the letter~~  
18 ~~giving notice of the decision to deny the request in which to~~  
19 ~~request a hearing. The appropriate county agency and appropriate~~  
20 ~~law enforcement officials shall be given notice of the hearing.~~  
21 ~~The burden of proof in the hearing shall be on the appropriate~~  
22 ~~county agency. The department shall assist the county agency as~~  
23 ~~necessary.~~

24 ~~(i) (D) Appeal.--Subject to the provisions of section 6341.2~~ <--  
25 ~~6341.3 (relating to REQUESTS FOR appeals of indicated reports),~~ <--  
26 ~~the perpetrator may appeal a denial of the request under~~  
27 ~~subsection (g) (C), and the county may appeal the granting of~~ <--  
28 ~~the request.~~

29 ~~(j) (E) Order.--The secretary or designated agent may make~~ <--  
30 ~~any appropriate order respecting the amendment of an indicated~~

1 report to make it accurate or consistent with the requirements  
2 of this chapter.

3 ~~§ 6341.2. Appeals of indicated reports.~~ <--

4 § 6341.3. REQUESTS FOR APPEALS OF INDICATED REPORTS. <--

5 (A) REQUEST BY PERPETRATOR.--A PERSON NAMED AS A PERPETRATOR  
6 IN AN INDICATED REPORT MAY REQUEST A HEARING TO APPEAL THE  
7 DETERMINATION. THE REQUEST MUST BE FILED WITHIN 45 DAYS OF THE  
8 DATE OF THE NOTICE OF THE FINAL DETERMINATION THAT THE REPORT IS  
9 INDICATED.

10 ~~(a) (B) Time to appeal.--Appeals made under section~~ <--  
11 ~~6341.1(j) (relating to disposition of reports upon completion of~~ <--  
12 ~~investigation) 6341.2 (RELATING TO REQUESTS FOR REVIEWS OF~~ <--  
13 INDICATED REPORTS) must be received by the secretary within 45  
14 days of the conclusion of the investigation determining that the  
15 report of suspected child abuse is an indicated report. Failure  
16 to timely file an appeal shall preclude any appeal of the  
17 indicated finding of child abuse.

18 ~~(b) (C) Stay of proceedings.--An administrative appeal~~ <--  
19 proceeding under this section shall be automatically stayed upon  
20 notice to the department by either of the parties when there is  
21 a pending criminal proceeding or a dependency or delinquency  
22 proceeding pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile  
23 matters), including any appeal thereof, involving the same  
24 factual circumstances as the administrative appeal.

25 ~~(c) (D) Hearing.--The appeal hearing shall be scheduled~~ <--  
26 according to the following procedures:

27 (1) Within ten days of receipt of an appeal pursuant to  
28 this section, the department shall schedule a hearing on the  
29 merits of the appeal.

30 (2) The department shall make reasonable efforts to

1 coordinate the hearing date with both the appellee and  
2 appellant.

3 (3) Proceedings before the Bureau of Hearings and  
4 Appeals shall commence within 90 days of the date the  
5 scheduling order is entered. Proceedings and hearings shall  
6 be scheduled to be heard on consecutive days whenever  
7 possible, but if not on consecutive days, then the proceeding  
8 or hearing shall be concluded no later than 30 days from  
9 commencement.

10 (4) The investigative agency shall bear the burden of  
11 proving by substantial evidence that the report should remain  
12 categorized as an indicated report.

13 (5) Evidence that a child has suffered child abuse of  
14 such a nature as would ordinarily not be sustained or exist  
15 except by reason of the act or failure to act of the alleged  
16 perpetrator shall be prima facie evidence of child abuse by  
17 either or both of the parents or any other person responsible  
18 for the child's welfare. Once the investigative agency has  
19 established that prima facie evidence of child abuse exists,  
20 the burden shall shift to the appellee to establish that the  
21 appellee was not the individual responsible for the welfare  
22 of the child or that the child was not the victim of child  
23 abuse by a perpetrator.

24 ~~(d)~~ (E) Testimony by closed-circuit television when <--  
25 available.--At the request of the investigative agency, the  
26 administrative law judge or hearing officer shall order that the  
27 testimony of the child victim or child material witness be taken  
28 under oath or affirmation in a room other than the hearing room  
29 and televised by close-circuit equipment to be viewed by the  
30 tribunal. Only the attorneys for the appellant and appellee, the

1 court reporter, the administrative law judge or hearing officer,  
2 persons necessary to operate the equipment and any person whose  
3 presence would contribute to the welfare and well-being of the  
4 child may be present in the room with the child during the  
5 child's testimony. The administrative law judge or hearing  
6 officer shall permit the appellee to observe and hear the  
7 testimony of the child but shall ensure that the child cannot  
8 hear or see the appellee. The administrative law judge or  
9 hearing officer shall make certain that the appellee has  
10 adequate opportunity to communicate with counsel for the  
11 purposes of providing an effective examination.

12 ~~(e)~~ (F) Admissibility of certain statements.--An out-of- <--  
13 court statement, including a video, audio or other recorded  
14 statement, not otherwise admissible by statute or rule of  
15 evidence is admissible in evidence in a proceeding under this  
16 section if the following apply:

17 (1) The statement was made by a child under ten years of  
18 age or by a child ten years of age or older who is  
19 intellectually disabled.

20 (2) The statement alleges, explains, denies or describes  
21 any of the following:

22 (i) An act of sexual penetration or contact  
23 performed with or on the child.

24 (ii) An act of sexual penetration or contact with or  
25 on another child observed by the child making the  
26 statement.

27 (iii) An act involving bodily injury or serious  
28 physical neglect of the child by another.

29 (iv) An act involving bodily injury or serious  
30 physical neglect of another child observed by the child

1 making the statement.

2 (3) The administrative law judge or hearing officer  
3 finds that the time, content and circumstances of the  
4 statement and the reliability of the person to whom the  
5 statement is made provide sufficient indicia of reliability.

6 (4) The proponent of the statement notifies other  
7 parties of an intent to offer the statement and the  
8 particulars of the statement sufficiently in advance of the  
9 proceeding at which the proponent intends to offer the  
10 statement into evidence to provide the parties with a fair  
11 opportunity to meet the statement.

12 ~~(f)~~ (G) Prompt decision.--The administrative law judge or <--  
13 hearing officer's decision shall be entered, filed and served  
14 upon the parties within 15 days of the date upon which the  
15 proceeding or hearing is concluded unless, within that time, the  
16 tribunal extends the date for the decision by order entered of  
17 record showing good cause for the extension. In no event shall  
18 an extension delay the entry of the decision more than 45 days  
19 after the conclusion of the proceeding or hearing.

20 ~~(g)~~ (H) Reconsideration and appeal.--Parties to a proceeding <--  
21 or hearing held under this section have 15 calendar days from  
22 the mailing date of the final order of the Bureau of Hearings  
23 and Appeals to request the secretary to reconsider the decision  
24 or appeal to Commonwealth Court. Parties to a proceeding or  
25 hearing held under this section have 30 calendar days from the  
26 mailing date of the final order of the Bureau of Hearings and  
27 Appeals to perfect an appeal to the Commonwealth Court. The  
28 filing for reconsideration shall not toll the 30 days provided.

29 ~~(h)~~ (I) Notice of decision.--Notice of the decision shall be <--  
30 made to the Statewide database, the appropriate county agency,

1 any appropriate law enforcement officials and all subjects of  
2 the report.

3 ~~(i)~~ (J) Notice of expunction.--Written notice of an <--  
4 expunction of any child abuse record made pursuant to the  
5 provisions of this chapter shall be served upon the subject of  
6 the record who was responsible for the abuse or injury and the  
7 appropriate county agency. Except as provided in this  
8 subsection, the county agency, upon receipt of the notice, shall  
9 take appropriate, similar action in regard to the local child  
10 abuse and school employee or child-care services employee  
11 records and inform, for the same purpose, the appropriate  
12 coroner if that officer has received reports pursuant to section  
13 6367 (relating to reports to department and coroner). Whenever  
14 the county agency investigation reveals, within 60 days of  
15 receipt of the report of suspected child abuse, that the report  
16 is unfounded but that the subjects need services provided or  
17 arranged by the county agency, the county agency shall retain  
18 those records and shall specifically identify that the report  
19 was an unfounded report of suspected child abuse. An unfounded  
20 report regarding subjects who receive services shall be expunged  
21 no later than 120 days following the expiration of one year  
22 after the termination or completion of services provided or  
23 arranged by the county agency.

24 § 6379. Immunity from liability.

25 (a) General rule.--A person, hospital, institution, school,  
26 facility, agency or agency employee acting in good faith and  
27 without actual malice shall have immunity from civil and  
28 criminal liability that might otherwise result from any of the  
29 following:

30 (1) Making a report of suspected child abuse or making a

1 referral for general protective services, regardless of  
2 whether the report is required to be made under this chapter.

3 (2) Cooperating or consulting with an investigation  
4 under this chapter, including providing information to a  
5 child fatality or near-fatality review team.

6 (3) Testifying in a proceeding arising out of an  
7 instance of suspected child abuse or general protective  
8 services.

9 (4) Engaging in any action taken under section 6314  
10 (relating to photographs, medical tests and X-rays of child  
11 subject to report), 6315 (relating to taking child into  
12 protective custody), 6316 (relating to admission to private  
13 and public hospitals) or 6317 (relating to mandatory  
14 reporting and postmortem investigation of deaths).

15 (b) Departmental and county agency immunity.--An official or  
16 employee of the department or county agency who refers a report  
17 of suspected child abuse or general protective services to law  
18 enforcement authorities or provides services under this chapter  
19 shall have immunity from civil and criminal liability that might  
20 otherwise result from the action.

21 (c) Presumption of good faith.--For the purpose of any civil  
22 or criminal proceeding, the good faith of a person required to  
23 report pursuant to section 6311 (relating to persons required to  
24 report suspected child abuse) and of any person required to make  
25 a referral to law enforcement officers under this chapter shall  
26 be presumed unless actual malice is proven.

27 (d) False reports.--Any person who intentionally makes a  
28 false report of suspected child abuse pursuant to 18 Pa.C.S. §  
29 4906.1 (relating to false reports of child abuse) against a  
30 person, school employee, private residential rehabilitative

1 institution employee, detention facility employee or child-care  
2 services employee commits a misdemeanor of the second degree.

3 Section 6. This act shall take effect January 1, 2014.