

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1026 Session of
2018

INTRODUCED BY BOSCOLA, COSTA, BREWSTER, YUDICHAK, BAKER,
RAFFERTY, RESCHENTHALER, STEFANO AND VULAKOVICH,
FEBRUARY 27, 2018

REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 27, 2018

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for mandatory reporting of children under one year
4 of age.

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

7 Section 1. Section 6386 of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 6386. Mandatory reporting of children under one year of age.

10 (a) When report to be made to county agency.--A health care
11 provider shall immediately make a report or cause a report to be
12 made to the appropriate county agency if the provider is
13 involved in the delivery or care of a child under one year of
14 age who is born and identified as being affected by any of the
15 following:

16 (1) Illegal substance abuse by the child's mother.

17 (2) Withdrawal symptoms resulting from prenatal drug
18 exposure unless the child's mother, during the pregnancy,

1 was:

2 (i) under the care of a prescribing medical
3 professional; and

4 (ii) in compliance with the directions for the
5 administration of a prescription drug as directed by the
6 prescribing medical professional.

7 (3) A Fetal Alcohol Spectrum Disorder.

8 (a.1) When report to be made to department.--A health care
9 provider shall immediately make a report or cause a report to be
10 made to the department if the provider is involved in the
11 delivery or care of a child under one year of age who is born
12 and identified as being affected by any of the following:

13 (1) Illegal opioid abuse by the child's mother.

14 (2) Withdrawal symptoms resulting from prenatal drug
15 exposure to an opioid unless the child's mother, during the
16 pregnancy, was:

17 (i) under the care of a prescribing medical
18 professional; and

19 (ii) in compliance with the directions for the
20 administration of a prescription opioid drug as directed
21 by the prescribing medical professional.

22 (b) Safety or risk assessment.--[The] For a child reported
23 under subsection (a), the county agency shall perform a safety
24 assessment or risk assessment, or both, for the child and
25 determine whether child protective services or general
26 protective services are warranted.

27 (c) County agency duties.--Upon receipt of a report under
28 [this section] subsection (a), the county agency for the county
29 where the child resides shall:

30 (1) Immediately ensure the safety of the child and see

1 the child immediately if emergency protective custody is
2 required or has been or shall be taken or if it cannot be
3 determined from the report whether emergency protective
4 custody is needed.

5 (2) Physically see the child within 48 hours of receipt
6 of the report.

7 (3) Contact the parents of the child within 24 hours of
8 receipt of the report.

9 (4) Provide or arrange reasonable services to ensure the
10 child is provided with proper parental care, control and
11 supervision.

12 (d) Department duties.--Upon receipt of a report under
13 subsection (a.1), the department shall:

14 (1) Compile the information from the report with
15 information received from such other reports received by the
16 department during the same calendar quarter and publish the
17 information from the reports as soon as possible on the
18 department's publicly accessible Internet website where the
19 information shall be segregated and searchable by county.

20 (2) Compile the information from the report with
21 information received from such other reports received by the
22 department during the same calendar year and submit the
23 information to the General Assembly not later than January 31
24 of the following calendar year. The information shall be
25 segregated by county and may include such other statistical
26 analysis as deemed appropriate by the department in order to
27 best represent frequencies and trends across this
28 Commonwealth.

29 (e) Confidentiality.--Identifying information relating to a
30 child in a report under subsection (a.1) shall be confidential

1 and shall not be subject to disclosure under the act of February
2 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

3 (f) Definition.--As used in this section, "department" means
4 the Department of Health of the Commonwealth.

5 Section 2. This act shall take effect in 60 days.