

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

**BILL NO.** Senate Bill 531

**PRINTER'S NO.** 538

### **AMOUNT**

No Fiscal Impact

### **FUND**

General

### **DATE INTRODUCED**

March 2, 2009

### **PRIME SPONSOR**

Senator Browne

### **HISTORY OF BILL**

Referred to JUDICIARY, March 2, 2009  
Reported as committed, March 24, 2009  
First consideration, March 24, 2009  
Re-referred to APPROPRIATIONS, March 25, 2009  
Re-reported as committed, April 27, 2009

### **DESCRIPTION AND PURPOSE OF BILL**

*An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for interagency information sharing.*

Senate Bill 531 amends the Juvenile Act (Ch. 63, 42, Pa.C.S.) to provide for the inter-agency sharing of juvenile records.

The general rule provides that the contents of county children and youth agency, drug and alcohol, mental health and education records regarding a child who;

- is the subject of an open child protective services or general protective services investigation;
- is alleged to be dependent;
- has been accepted for service by a county children and youth agency;

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- has been placed under supervision pursuant to an informal adjustment or consent decree;
- has been found to have committed a delinquent act; or
- has been found to be dependent or delinquent

shall be provided, upon request, to the county agency, court or juvenile probation department. All such releases of records would be subject to the provisions of the:

- Juvenile Act;
- 42 Pa.C.S. § 5944 (relating to confidential communications to psychiatrists or licensed psychologists;
- Mental Health Procedures Act;
- Act 10 of 1970 enabling minors to consent to medical, dental and health services under certain circumstances; and
- Federal law, including the HIPPA Act of 1996.

County Children and Youth Agencies, the Courts and Juvenile Probation Departments would be required to use the information contained in shared records in furtherance of a disposition of the child who is the subject of the records. The information contained in the records may, notwithstanding any other provision of law, be shared among authorized representatives of the county agency, court and juvenile probation department:

1. in furtherance of the disposition of the child, or,
2. if no child-specific or other confidential information is disclosed, in furtherance of efforts to identify and provide services to children who are determined to be at risk of child abuse, parental neglect or initial or additional delinquent behavior.

Unless otherwise prohibited by law, records may also be shared with other agencies or entities if there is a specific need to do so. The information may only be shared pursuant to an interagency information sharing agreement or upon order of the court or the written consent of the parent or guardian of the child. Examples of other agencies or entities include law enforcement agencies, mental health agencies, drug and alcohol agencies, local school districts and other agencies and entities as deemed appropriate.

Counties may develop of interagency information sharing agreements subject to the approval of the court. Such agreements would be for

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the purpose of enhancing the coordination of case management services and the supervision of children who have been accepted for services by the county, who are being supervised pursuant to an informal adjustment or consent decree, who have committed a delinquent act or have been found dependent or delinquent. The agreements must be signed by the chief executive officers of the entities, the public defender and the guardian ad litem of the child.

The bill provides for the content of such agreements and prohibits the release of information shared pursuant to an agreement with other parties, except as otherwise required or permitted by statute.

### **FISCAL IMPACT:**

The enactment of this legislation will have no fiscal impact to the Department of Public Welfare or the Commonwealth. Counties may incur minor additional costs to develop and execute interagency information sharing agreements.