

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1427 Session of
1991

INTRODUCED BY HAGARTY, BLAUM, NAHILL, CALTAGIRONE, DALEY,
KOSINSKI, ANGSTADT, KRUSZEWSKI, J. TAYLOR, HECKLER, WOGAN,
G. SNYDER, LaGROTTA, SEMMEL, HERMAN, ITKIN, BARLEY, FLEAGLE,
DeLUCA, LUCYK, PHILLIPS, VROON, BATTISTO, GERLACH, PETRONE,
WAMBACH, BELARDI, CORNELL, E. Z. TAYLOR, MELIO, HARPER,
MICHLOVIC, MICOZZIE, FARMER, STABACK, GODSHALL, GIGLIOTTI,
NOYE, STEELMAN, D. W. SNYDER, PISTELLA, GRUPPO, SERAFINI,
BUNT, CIVERA, SURRA, KING, BUTKOVITZ, STURLA, RITTER, TELEK
AND ULIANA, MAY 29, 1991

REFERRED TO COMMITTEE ON AGING AND YOUTH, MAY 29, 1991

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, requiring cooperation between child
3 protective services and law enforcement agencies.

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

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6346.1. Cooperation between child protective services and law
9 enforcement agencies.

10 (a) General rule.--Consistent with the provisions of this
11 chapter, child protective services and law enforcement agencies
12 should cooperate and coordinate, to the fullest extent possible,
13 their efforts to respond to child abuse.

14 (b) Advisement of law enforcement agency.--Whenever child
15 protective services or the department receives a report or their

investigation reveals a report that cannot constitute child
abuse:

(1) because the act or omission is not alleged to be or
is not committed by a perpetrator covered under this chapter;
or

(2) because the act or omission alleged to have occurred
is an attempt to cause death or a serious bodily injury or
places or may place the child in danger of death or serious
bodily injury but did not result in injury sufficient to meet
the definition of child abuse;

the receiving agency must immediately advise the appropriate law
enforcement agency of the report.

(c) Advisement of child protective services.--

(1) Whenever any report is referred from child
protective services to a law enforcement agency pursuant to
subsection (b) or section 6340 (relating to release of
information in confidential reports) or whenever the
appropriate law enforcement agency reports suspected child
abuse pursuant to section 6311 (relating to persons required
to report suspected child abuse), to the extent possible
without jeopardizing the criminal investigation or
prosecution, the appropriate law enforcement agency shall
advise child protective services of:

(i) Whether a criminal investigation will be
undertaken.

(ii) At appropriate intervals, the progress of a
criminal investigation.

(iii) What, if any, criminal charges are filed.

(iv) The result of any criminal prosecution.

(2) The department shall ensure that information

1 described in paragraph (1) (iii) and (iv) is entered and
2 maintained in the pending complaint file and Statewide
3 central register.

4 (d) Access to files and records.--Notwithstanding any other
5 provision of this chapter, except section 6340(c), whenever the
6 appropriate law enforcement agency is authorized to receive
7 information pursuant to section 6340(a)(9) or (10), upon its
8 request the law enforcement agency shall be given full access to
9 any files and records of the department or the child protective
10 services that might be of aid to the law enforcement
11 investigation, and the law enforcement agency's access shall not
12 be limited to files and records of the specific incident under
13 investigation. The law enforcement agency shall be permitted to
14 have copies of those files and records, provided that the law
15 enforcement agency shall ensure the confidentiality of these
16 records and shall not permit further release of the records or
17 the information contained in the records.

18 Section 2. This act shall take effect in 90 days.