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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 531 Session of  
2009

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INTRODUCED BY BROWNE, BOSCOLA, ORIE, ALLOWAY, O'PAKE, ERICKSON,  
COSTA, WOZNIAK, EARLL, WASHINGTON, FOLMER, RAFFERTY AND  
FERLO, MARCH 2, 2009

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REFERRED TO JUDICIARY, MARCH 2, 2009

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for interagency  
3 information sharing.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 6352.2. Interagency information sharing.

9 (a) General rule.--The contents of county agency, drug and  
10 alcohol, mental health and education records regarding a child  
11 who is the subject of an open child protective services or  
12 general protective services investigation, who is alleged to be  
13 dependent, who has been accepted for service by a county agency,  
14 who has been placed under supervision under an informal  
15 adjustment or consent decree, who has been found to have  
16 committed a delinquent act or who has been found to be dependent  
17 or delinquent shall be provided, upon request, to the county  
18 agency, court or juvenile probation department, under and except

1 as prohibited by the following:

2 (1) This chapter.

3 (2) Section 5944 (relating to confidential  
4 communications to psychiatrists or licensed psychologists).

5 (3) The act of November 29, 1990 (P.L.585, No.148),  
6 known as the Confidentiality of HIV-Related Information Act.

7 (4) The act of July 9, 1976 (P.L.817, No.143), known as  
8 the Mental Health Procedures Act.

9 (5) The act of February 13, 1970 (P.L.19, No.10),  
10 entitled "An act enabling certain minors to consent to  
11 medical, dental and health services, declaring consent  
12 unnecessary under certain circumstances."

13 (6) Federal law, including the Health Insurance  
14 Portability and Accountability Act of 1996 (Public Law  
15 104-191, 110 Stat. 1936) and the procedures, limitations and  
16 criteria set forth in regulations adopted by the Department  
17 of Health and Human Services relating to the confidentiality  
18 of drug and alcohol records.

19 (b) Sharing of information.--

20 (1) The county agency, court or juvenile probation  
21 department shall, in accordance with the procedures  
22 established under this section, use the information contained  
23 in the records in furtherance of a disposition under this  
24 chapter of the child who is the subject of the records.  
25 Unless otherwise prohibited by this chapter or by the  
26 statutes or regulations listed under subsection (a) (2), (3),  
27 (4), (5) and (6), the information contained in the records  
28 may, notwithstanding any other provision of law, be shared  
29 among authorized representatives of the county agency, court  
30 and juvenile probation department in furtherance of a

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

7 (2) Unless otherwise prohibited under this chapter or by  
8 the statutes or regulations listed under subsection (a)(2),  
9 (3), (4), (5) and (6), the information under paragraph (1)  
10 may also be shared with other agencies or entities if there  
11 is a specific need to do so. The information shall be shared  
12 for the limited purposes set forth under this section under  
13 an interagency information-sharing agreement developed under  
14 subsection (c) or upon order of court or the written consent  
15 of the parent or guardian of the child who is the subject of  
16 the records or any person otherwise having the authority to  
17 consent to the sharing of the information.

18 (c) Interagency information sharing agreements.--

19 (1) Subject to approval of the court and the  
20 requirements of this chapter and the statutes and regulations  
21 listed under subsection (a)(2), (3), (4), (5) and (6), an  
22 interagency information sharing agreement may be developed in  
23 each county between the county agency, juvenile probation  
24 department, local law enforcement agencies, mental health  
25 agencies, drug and alcohol agencies, local school districts,  
26 and other agencies and entities as deemed appropriate, to  
27 enhance the coordination of case management services to and  
28 the supervision of children who have been accepted for  
29 service by a county agency, who are being supervised under an  
30 informal adjustment or a consent decree, who have been found

1 to have committed a delinquent act or who have been found to  
2 be dependent or delinquent, and to enhance the coordination  
3 of efforts to identify children who may be at risk of child  
4 abuse, parental neglect or initial or additional delinquent  
5 behavior and to provide services to these children and their  
6 families. Any such agreement shall be signed by the chief  
7 executive officers of the entities referred to in this  
8 section as well as the public defender's office and guardian  
9 ad litem in each county and shall be submitted to the court  
10 for approval.

11 (2) All interagency information sharing agreements  
12 shall, at a minimum, do all of the following:

13 (i) Provide that information will be shared under  
14 this chapter and the statutes or regulations listed under  
15 subsection (a) (1), (2), (3), (4), (5) and (6) to enhance  
16 the coordination of case management services to and the  
17 supervision of children who have been found to be  
18 dependent or delinquent, who are being supervised under  
19 an informal adjustment or a consent decree, who have been  
20 found to have committed a delinquent act or who have been  
21 accepted for service by a county agency, and to enhance  
22 the coordination of efforts to identify children who may  
23 be at risk of child abuse, parental neglect or initial or  
24 additional delinquent behavior and to provide services to  
25 these children and their families.

26 (ii) Provide that, whenever possible, the preferred  
27 method for obtaining authorization to share confidential  
28 information shall be upon the written, informed consent  
29 of the person authorized under applicable law to consent  
30 to the release of information after that person has been

1 provided a full understanding of the circumstances under  
2 which and with whom the information will be shared. In  
3 counties that do not have agencies with primary  
4 responsibility for representing delinquent or dependent  
5 children, the court shall designate lawyers with  
6 experience in representing these children to satisfy the  
7 requirements of this subparagraph.

8 (iii) Set forth the specific activities in which the  
9 signatories and their representatives will engage, either  
10 collectively or individually, in furtherance of the  
11 purposes of the agreement.

12 (iv) Prohibit the release of information shared  
13 under this agreement with other parties, except as  
14 otherwise required or permitted by statute.

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