

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1034

 Session of 2001

INTRODUCED BY L. I. COHEN, BROWNE, COSTA, CRUZ, CURRY, FRANKEL,
GEIST, KENNEY, MELIO, R. MILLER, PISTELLA, RAYMOND, RUBLEY,
TRELLO, WATSON, C. WILLIAMS, WOJNAROSKI AND HARPER,
MARCH 15, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 4, 2002

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for willful failure
3 to pay support orders, FOR INVESTIGATING PERFORMANCE OF
4 COUNTY AGENCY, FOR ANNUAL REPORTS TO GOVERNOR AND GENERAL
5 ASSEMBLY AND FOR REPORTS TO DEPARTMENT AND CORONER. <—

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

8 Section 1. Section 4354(a) of Title 23 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 4354. Willful failure to pay support order.

11 (a) Offense defined.--An individual who willfully fails to
12 comply with a support order of a court of this Commonwealth when
13 the individual has the financial ability to comply with the
14 support order commits a [summary offense] misdemeanor of the
15 third degree.

16 * * *

17 SECTION 2. SECTIONS 6343, 6347 AND 6367 OF TITLE 23 ARE
18 AMENDED BY ADDING SUBSECTIONS TO READ: <—

§ 6343. INVESTIGATING PERFORMANCE OF COUNTY AGENCY.

* * *

(C) DEPARTMENT REVIEWS AND REPORTS.--

(1) THE DEPARTMENT SHALL CONDUCT CHILD DEATH REVIEWS AND PROVIDE WRITTEN REPORTS ON ANY CHILD DEATH WHERE CHILD ABUSE IS SUSPECTED AND WHERE A COUNTY AGENCY HAS INVESTIGATED CHILD ABUSE OR NEGLECT REPORTS RELATED TO THE CHILD OR TO OTHER CHILDREN OF EITHER OF THE CHILD'S PARENTS OR HAS PROVIDED PROTECTIVE OR GENERAL PROTECTIVE SERVICES INVOLVING THE CHILD OR OTHER CHILDREN OF EITHER OF THE CHILD'S PARENTS. AGENCY PERFORMANCE, INCLUDING, BUT NOT LIMITED TO, THE INVESTIGATION OF PRIOR CHILD ABUSE OR NEGLECT REPORTS, ASSESSMENT OF RISK, ACCEPTANCE OF THE FAMILY FOR SERVICES, PROVISION OF SERVICES, CASE CLOSURE AND COMPLIANCE WITH THIS CHAPTER AND RELATED REGULATIONS, MUST BE ANALYZED IN EACH REVIEW AND REPORT. AN EXPLANATION REGARDING THE NATURE AND EXTENT OF THE REVIEW SHALL BE PROVIDED IN EACH REPORT.

(2) ON AND AFTER JANUARY 1, 2003, THE CHILD DEATH REVIEW AND REPORT SHALL BE COMPLETED NO LATER THAN SIX MONTHS FOLLOWING THE DATE OF THE ORAL REPORT OF SUSPECTED CHILD ABUSE TO THE DEPARTMENT. A COPY OF EACH CHILD DEATH REPORT SHALL BE MAINTAINED IN THE APPROPRIATE HARRISBURG OFFICE OF THE DEPARTMENT.

(3) THIS SECTION SHALL NOT BE CONSTRUED TO PRECLUDE THE DEPARTMENT FROM REVIEWING AND PROVIDING A WRITTEN REPORT ON ANY CHILD DEATH WHERE CHILD ABUSE IS SUSPECTED OR CONFIRMED AND THE AGENCY HAD NO PRIOR INVOLVEMENT WITH THE CHILD OR THE CHILD'S FAMILY.

§ 6347. ANNUAL REPORTS TO GOVERNOR AND GENERAL ASSEMBLY.

* * *

1 (C) REPORTS ON CHILD DEATHS.--THE DEPARTMENT SHALL PREPARE
2 AND TRANSMIT ANNUALLY TO THE GOVERNOR AND TO THE GENERAL
3 ASSEMBLY A REPORT ON ITS FINDINGS AND RECOMMENDATIONS REGARDING
4 ITS CHILD DEATH REVIEWS AND REPORTS CONDUCTED UNDER SECTION
5 6343(C) (RELATING TO INVESTIGATING PERFORMANCE OF COUNTY
6 AGENCY). THE ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO,
7 THE FOLLOWING:

8 (1) A BREAKDOWN OF CHILD DEATHS REVIEWED VERSUS THOSE
9 NOT REVIEWED AND A DISCUSSION EXPLAINING THE LACK OF REVIEWS
10 FOR SOME CHILD DEATHS.

11 (2) THE REGULATORY COMPLIANCE PROBLEMS IDENTIFIED IN THE
12 COURSE OF THE CHILD DEATH REVIEWS AND A DISCUSSION OUTLINING
13 THE ACTIONS TAKEN BY THE DEPARTMENT AND THE COUNTY AGENCIES.

14 (3) THE PRACTICE OR DECISION-MAKING PROBLEMS IDENTIFIED
15 IN THE COURSE OF THE CHILD DEATH REVIEWS AND A DISCUSSION
16 OUTLINING THE ACTIONS TAKEN BY THE DEPARTMENT AND THE COUNTY
17 AGENCIES.

18 (4) THE GOOD PRACTICE, EFFECTIVE DECISION MAKING AND
19 REGULATORY COMPLIANCE IDENTIFIED IN THE COURSE OF THE CHILD
20 DEATH REVIEWS.

21 (5) THE NUMBERS OF LICENSE REVOCATIONS, PROVISIONAL
22 LICENSES AND FULL LICENSES GIVEN TO COUNTY AGENCIES REVIEWED
23 UNDER SECTION 6343(C).

24 (6) RECOMMENDATIONS FOR ADMINISTRATIVE, REGULATORY OR
25 STATUTORY CHANGE, INCLUDING IMPROVEMENT OF THE DEPARTMENT'S
26 MONITORING AND INSPECTION PROCESS, NECESSARY TO FULFILL THE
27 PURPOSES OF THIS CHAPTER.

28 § 6367. REPORTS TO DEPARTMENT AND CORONER.

29 * * *

30 (C) REPORTS OF CHILD DEATH.--IN ADDITION TO THE CHILD ABUSE

1 REPORT REQUIRED UNDER SUBSECTION (A), A COUNTY AGENCY SHALL
2 IMMEDIATELY PROVIDE INFORMATION TO THE DEPARTMENT REGARDING ITS
3 INVOLVEMENT WITH THE CHILD AND WITH EITHER OF THE CHILD'S
4 PARENTS WHEN A CHILD DIES AND CHILD ABUSE IS SUSPECTED. THE
5 COUNTY AGENCY SHALL INFORM THE DEPARTMENT OF ANY HISTORY OF
6 PROTECTIVE OR GENERAL PROTECTIVE SERVICES PROVIDED TO THE CHILD
7 OR TO OTHER CHILDREN OF EITHER OF THE CHILD'S PARENTS BY THE
8 COUNTY AGENCY UNDER THIS CHAPTER OR BY COURT ORDER AND SHALL
9 INFORM THE DEPARTMENT IF THE CHILD WAS IN THE AGENCY'S CUSTODY
10 AT THE TIME OF THE CHILD'S DEATH. THE COUNTY AGENCY SHALL
11 PROVIDE THIS INFORMATION IN WRITING ON FORMS PROVIDED BY THE
12 DEPARTMENT WITHIN 48 HOURS OF THE ORAL REPORT.

13 SECTION 3. THE DEPARTMENT OF PUBLIC WELFARE SHALL PROMULGATE
14 REGULATIONS NECESSARY FOR IMPLEMENTING THE AMENDMENT OF 23
15 PA.C.S. §§ 6343, 6347 AND 6367.

16 Section ~~2~~ 4. The amendment of 23 Pa.C.S. § 4354(a) shall <—
17 apply to offenses committed on or after the effective date of
18 this act.

19 Section ~~3~~ 5. This act shall take effect in 60 days. <—