

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

## No. 2670

Session of  
2006

---

INTRODUCED BY KAUFFMAN, CORNELL, BALDWIN, BELFANTI, CALTAGIRONE, CAPPELLI, CLYMER, CRAHALLA, DENLINGER, FRANKEL, FREEMAN, GABIG, GEORGE, GOODMAN, HENNESSEY, HESS, HICKERNELL, JAMES, KILLION, LaGROTTA, LEH, MANN, MARSICO, MUNDY, NAILOR, O'NEILL, PETRARCA, RAPP, REICHLEY, ROHRER, RUBLEY, SAYLOR, SCAVELLO, SHANER, SONNEY, STERN, R. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WATSON, WILT, YOUNGBLOOD, SEMMEL, PICKETT, MACKERETH, S. MILLER, SIPTROTH, PARKER, J. TAYLOR, BOYD, BEYER, HARPER, YUDICHAK, ROSS, SAMUELSON, MELIO, PALLONE AND BLAUM, MAY 11, 2006

---

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 18, 2006

---

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for grounds for  
3 involuntary termination of parental rights; and, in child  
4 protective services, further providing for definitions,  
5 further providing for release of information in confidential  
6 reports, providing for citizen review panels, further  
7 providing for ~~annual~~ reports; and providing for mandatory <—  
8 reporting of substance abuse births.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 2511(a) of Title 23 of the Pennsylvania  
12 Consolidated Statutes is amended by adding a paragraph to read:

13 § 2511. Grounds for involuntary termination.

14 (a) General rule.--The rights of a parent in regard to a  
15 child may be terminated after a petition filed on any of the  
16 following grounds:

1           \* \* \*

2           (9) The parent has been convicted of one of the  
3           following in which the victim was a child of the parent:

4                 (i) an offense under 18 Pa.C.S. Ch. 25 (relating to  
5                 criminal homicide);

6                 (ii) a felony under 18 Pa.C.S. § 2702 (relating to  
7                 aggravated assault);

8                 (iii) an offense in another jurisdiction equivalent  
9                 to an offense in subparagraph (i) or (ii); or

10                (iv) an attempt, solicitation or conspiracy to  
11                commit an offense in subparagraph (i), (ii) or (iii).

12           \* \* \*

13           Section 2. Section 6303(a) of Title 23 is amended by adding  
14 definitions to read:

15 § 6303. Definitions.

16           (a) General rule.--The following words and phrases when used  
17 in this chapter shall have the meanings given to them in this  
18 section unless the context clearly indicates otherwise:

19           \* \* \*

20           "Near fatality." An act that, as certified by a physician,  
21 places a child in serious or critical condition.

22           \* \* \*

23           "Nonaccidental." An injury that is the result of an  
24 intentional act that is committed with disregard of a  
25 substantial and unjustifiable risk.

26           \* \* \*

27           Section 3. Section 6340(a)(1) of Title 23 is amended and the  
28 subsection is amended by adding a paragraph to read:

29 § 6340. Release of information in confidential reports.

30           (a) General rule.--Reports specified in section 6339

(relating to confidentiality of reports) shall only be made  
available to:

(1) An authorized official of a county agency, a Federal agency that has a need for such information to carry out its responsibilities under law to protect children from abuse and neglect or of an agency of another state that performs protective services analogous to those services performed by county agencies or the department in the course of the official's duties, multidisciplinary team members assigned to the case and duly authorized persons providing services pursuant to section 6370(a) (relating to voluntary or court-ordered services; findings of child abuse).

\* \* \*

(16) Members of citizen review panels convened pursuant to section 6343.1 (relating to citizen review panels), provided that such members shall not disclose to any person or government official any identifying information about any specific child protective services case with respect to which the panel is provided information.

\* \* \*

Section 4. Title 23 is amended by adding a section to read:

§ 6343.1. Citizen review panels.

(a) Establishment.--The department shall establish a minimum of three citizen review panels.

(b) Function.--The panels shall examine all of the following:

(1) Policies, procedures and practices of the child protective services system. STATE AND LOCAL AGENCIES AND,  
WHERE APPROPRIATE, SPECIFIC CASES TO EVALUATE THE EXTENT TO WHICH STATE AND LOCAL CHILD PROTECTIVE SYSTEM AGENCIES ARE

<—

<—

1 EFFECTIVELY DISCHARGING THEIR CHILD PROTECTION  
2 RESPONSIBILITIES UNDER SECTION 106(B) OF THE CHILD ABUSE  
3 PREVENTION AND TREATMENT ACT (PUBLIC LAW 93-247, 42 U.S.C. §  
4 5106A(B)).

5 (2) Other criteria the panel considers important to  
6 ensure the protection of children, ~~including review of child~~ <—  
7 ~~fatalities and near fatalities.~~ INCLUDING: <—

8 (I) A REVIEW OF THE EXTENT TO WHICH THE STATE AND  
9 LOCAL CHILD PROTECTIVE SERVICES SYSTEM IS COORDINATED  
10 WITH THE FOSTER CARE AND ADOPTION PROGRAMS ESTABLISHED  
11 UNDER PART E OF TITLE IV OF THE SOCIAL SECURITY ACT (49  
12 STAT. 620, 42 U.S.C. § 670 ET SEQ.); AND

13 (II) A REVIEW OF CHILD FATALITIES AND NEAR  
14 FATALITIES.

15 (c) Membership.--The panels shall be composed of volunteer  
16 members who represent the community ~~and~~, INCLUDING MEMBERS WHO <—  
17 have expertise in the prevention and treatment of child abuse  
18 and neglect.

19 (d) Meetings.--Each citizen review panel shall meet not less  
20 than once every three months.

21 (e) Reports.--The department shall issue an annual report  
22 summarizing the activities and recommendations of the panels and  
23 summarizing the department response to the recommendations.

24 Section 5. Section 6347(a) of Title 23 is amended ~~and~~, <—  
25 subsection (b) is amended by adding a paragraph AND THE SECTION <—  
26 IS AMENDED BY ADDING A SUBSECTION to read:

27 § 6347. [Annual reports] REPORTS to Governor and General <—  
28 Assembly.

29 (a) General rule.--No later than May 1 of every year, the  
30 secretary shall prepare and transmit to the Governor and the

1 General Assembly a report on the operations of the central  
2 register of child abuse and child protective services provided  
3 by county agencies. The report shall include a full statistical  
4 analysis of the reports of suspected child abuse made to the  
5 department and the reports under Subchapter C.1 (relating to  
6 students in public and private schools), together with a report  
7 on the implementation of this chapter and its total cost to the  
8 Commonwealth, the evaluation of the secretary of services  
9 offered under this chapter and recommendations for repeal or for  
10 additional legislation to fulfill the purposes of this chapter.  
11 All such recommendations should contain an estimate of increased  
12 or decreased costs resulting therefrom. The report shall also  
13 include an explanation of services provided to children who were  
14 the subjects of founded or indicated reports while receiving  
15 child-care services. The department shall also describe its  
16 actions in respect to the perpetrators of the abuse. ~~The~~ <—  
17 ~~department shall also provide a summary of the findings with~~  
18 ~~nonidentifying information about each case of child abuse or~~  
19 ~~neglect which has resulted in a child fatality or near fatality.~~

20 (b) Reports from county agencies.--To assist the department  
21 in preparing its annual report AND THE QUARTERLY REPORTS <—  
22 REQUIRED UNDER SUBSECTION (C), each county agency shall submit a  
23 quarterly report to the department, including, at a minimum, the  
24 following information, on an aggregate basis, regarding general  
25 protective services, child protective services and action under  
26 Subchapter C.1:

27 \* \* \*

28 (5) A summary of the findings with nonidentifying  
29 information about each case of child abuse or neglect which  
30 has resulted in a child fatality or near fatality.

1        (C) QUARTERLY REPORTS.--THE DEPARTMENT SHALL PREPARE AND  
2 TRANSMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY A QUARTERLY  
3 REPORT THAT INCLUDES A SUMMARY OF THE FINDINGS WITH  
4 NONIDENTIFYING INFORMATION ABOUT EACH CASE OF CHILD ABUSE OR  
5 NEGLECT THAT HAS RESULTED IN A CHILD FATALITY OR NEAR FATALITY.  
6 ONE OF THE QUARTERLY REPORTS MAY BE INCLUDED WITHIN THE ANNUAL  
7 REPORT REQUIRED UNDER SUBSECTION (A).

8        Section 6. Title 23 is amended by adding a section to read:  
9 § 6386. Mandatory reporting of infants born and identified as  
10 being affected by illegal substance abuse.

11 Health care providers who are involved in the delivery or  
12 care of an infant who is born and identified as being affected  
13 by illegal substance abuse or as having withdrawal symptoms  
14 resulting from prenatal drug exposure shall immediately cause a  
15 report to be made to the appropriate county agency. The county  
16 agency shall provide or arrange for appropriate services for the  
17 infant.

18        Section 7. This act shall take effect in 180 days.