

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1290 Session of 2019

INTRODUCED BY POLINCHOCK, BOBACK, CIRESI, T. DAVIS, DeLUCA, HELM, JAMES, McCLINTON, MILLARD, RYAN AND SAINATO, APRIL 25, 2019

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 30, 2019

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, for reporting procedure, for
4 disposition of complaints received, FOR RESPONSIBILITY FOR <--
5 INVESTIGATION, FOR ACCESS TO INFORMATION IN STATEWIDE
6 DATABASE, for information in Statewide database and for
7 release of information in confidential reports.

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

10 Section 1. Section 6303(a) of Title 23 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:
12 § 6303. Definitions.

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

16 * * *

17 "CONCERNS A MILITARY FAMILY." IN A REPORT: <--

18 (1) AN ALLEGED PERPETRATOR OF ABUSE IS A SERVICE MEMBER,
19 SPOUSE OF A SERVICE MEMBER OR CHILD OF A SERVICE MEMBER; OR

1 (2) AN ALLEGED VICTIM OF ABUSE IS A CHILD OF A SERVICE
2 MEMBER.

3 * * *

4 "Family Advocacy Program." The Family Advocacy Program <--
5 PROGRAM established by the United States Department of Defense <--
6 to address child abuse AND NEGLECT, PROBLEMATIC SEXUAL BEHAVIOR <--
7 IN CHILDREN AND YOUTH and domestic abuse in military communities <--
8 FAMILIES. <--

9 * * *

10 "Military installation." A base, camp, post, station, yard, <--
11 center or other activity under the jurisdiction of the Adjutant
12 General. The term includes a State owned National Guard
13 installation.

14 * * *

15 "Service member." A person serving in the armed forces of
16 the United States or reserve component of the armed forces of
17 the United States, including OR the Pennsylvania National Guard. <--
18 The term includes a person serving in the United States Army, <--
19 United States Navy, United States Marine Corps, United States
20 Air Force and United States Coast Guard or any reserve component
21 thereof. The reserve component of the armed forces includes the
22 United States Army Reserve, United States Navy Reserve, United
23 States Marine Corps Reserve, United States Air Force Reserve,
24 United States Coast Guard Reserve, Army National Guard of the
25 United States and the Air National Guard of the United States.

26 * * *

27 Section 2. Section 6313(b) of Title 23 is amended by adding
28 a paragraph to read:

29 § 6313. Reporting procedure.

30 * * *

1 (b) Contents of report.--A written report of suspected child
2 abuse, which may be submitted electronically, shall include the
3 following information, if known:

4 * * *

5 ~~(7.1) If a subject of a report is a service member. <--~~

6 ~~(5.1) WHETHER THE REPORT CONCERNS A MILITARY FAMILY AND, <--~~
7 ~~IF SO, ANY NECESSARY EXPLANATORY INFORMATION.~~

8 * * *

9 ~~Section 3. Section 6334 of Title 23 is amended by adding a <--~~
10 ~~subsection to read:~~

11 ~~§ 6334. Disposition of complaints received.~~

12 * * *

13 ~~(b.1) Receipt of reports by county agencies and referral to~~
14 ~~Family Advocacy Program. If the county agency investigates a~~
15 ~~report of suspected child abuse and learns that the subject of a~~
16 ~~report is a service member, the county agency shall immediately~~
17 ~~give notice to the Family Advocacy Program by contacting the~~
18 ~~Family Advocacy Program representative for the Commonwealth of~~
19 ~~Pennsylvania or the subject's assigned military installation.~~
20 ~~The notice shall contain the following information:~~

21 ~~(1) That a report of suspected child abuse committed by~~
22 ~~a service member has been received.~~

23 ~~(2) A summary of the nature and extent of the suspected~~
24 ~~abuse.~~

25 ~~(3) The existence in the Statewide database under~~
26 ~~section 6331 (relating to establishment of Statewide~~
27 ~~database) of a prior report or a current investigation or~~
28 ~~assessment concerning a subject of the report, if any.~~

29 * * *

30 SECTION 3. SECTIONS 6334(A) AND (B), 6334.1(4) AND 6335(A) <--

1 OF TITLE 23 ARE AMENDED TO READ:

2 § 6334. DISPOSITION OF COMPLAINTS RECEIVED.

3 (A) RECEIPT OF REPORTS BY COUNTY AGENCIES AND LAW
4 ENFORCEMENT.--AFTER ENSURING THE IMMEDIATE SAFETY OF THE CHILD
5 AND ANY OTHER CHILD IN THE CHILD'S HOME, A COUNTY AGENCY OR LAW
6 ENFORCEMENT OFFICIAL THAT RECEIVES A REPORT OF SUSPECTED CHILD
7 ABUSE SHALL IMMEDIATELY NOTIFY THE DEPARTMENT OF THE REPORT. IF
8 THE REPORT IS AN ORAL REPORT BY TELEPHONE, THE COUNTY AGENCY OR
9 LAW ENFORCEMENT OFFICIAL SHALL ATTEMPT TO COLLECT AS MUCH OF THE
10 INFORMATION LISTED IN SECTION [6313(C)] 6313(B) (RELATING TO
11 REPORTING PROCEDURE) AS POSSIBLE AND SHALL SUBMIT THE
12 INFORMATION TO THE DEPARTMENT WITHIN 48 HOURS THROUGH A REPORT
13 IN WRITING OR BY ELECTRONIC TECHNOLOGIES.

14 (B) RECEIPT OF REPORTS BY DEPARTMENT AND REFERRAL TO COUNTY
15 AGENCY; NOTIFICATION OF FAMILY ADVOCACY PROGRAM
16 REPRESENTATIVE.--THE DEPARTMENT SHALL IMMEDIATELY TRANSMIT AN
17 ORAL NOTICE OR A NOTICE BY ELECTRONIC TECHNOLOGIES TO THE COUNTY
18 AGENCY OF THE COUNTY WHERE THE SUSPECTED CHILD ABUSE IS ALLEGED
19 TO HAVE OCCURRED. IF THE REPORT CONCERNS A MILITARY FAMILY, THE
20 DEPARTMENT SHALL ALSO NOTIFY THE FAMILY ADVOCACY PROGRAM
21 REPRESENTATIVE FOR THE COMMONWEALTH AND THE DESIGNATED FAMILY
22 ADVOCACY PROGRAM REPRESENTATIVE OF THE ASSIGNED MILITARY
23 INSTALLATION. THE NOTICE SHALL CONTAIN THE FOLLOWING
24 INFORMATION:

25 (1) THAT A REPORT OF SUSPECTED CHILD ABUSE BY A
26 PERPETRATOR HAS BEEN RECEIVED.

27 (2) THE SUBSTANCE OF THE REPORT.

28 (3) THE EXISTENCE IN THE STATEWIDE DATABASE OF A PRIOR
29 REPORT OR A CURRENT INVESTIGATION OR ASSESSMENT CONCERNING A
30 SUBJECT OF THE REPORT.

1 * * *

2 § 6334.1. RESPONSIBILITY FOR INVESTIGATION.

3 THE DEPARTMENT SHALL ESTABLISH PROCEDURES REGARDING THE
4 FOLLOWING DIFFERENT RESPONSES TO ADDRESS SUSPECTED CHILD ABUSE
5 AND PROTECTIVE SERVICES DEPENDING ON THE PERSON'S ALLEGEDLY
6 COMMITTING THE SUSPECTED CHILD ABUSE OR CAUSING A CHILD TO BE IN
7 NEED OF PROTECTIVE SERVICES:

8 * * *

9 (4) IF A CHILD IS ALLEGED TO BE IN NEED OF OTHER
10 PROTECTIVE SERVICES, THE APPROPRIATE COUNTY AGENCY, IN
11 COORDINATION WITH THE APPROPRIATE FAMILY ADVOCACY PROGRAM
12 REPRESENTATIVE, IF APPLICABLE, SHALL ASSESS THE NEEDS OF THE
13 CHILD AS PROVIDED IN THIS CHAPTER.

14 § 6335. ACCESS TO INFORMATION IN STATEWIDE DATABASE.

15 (A) REQUEST FOR INFORMATION.--A COUNTY AGENCY, FAMILY
16 ADVOCACY PROGRAM REPRESENTATIVE OR LAW ENFORCEMENT OFFICIAL
17 SHALL USE THE STATEWIDE TOLL-FREE TELEPHONE NUMBER, OR ANY
18 MANNER PRESCRIBED BY THE DEPARTMENT, TO DETERMINE THE EXISTENCE
19 OF ANY PRIOR REPORTS INVOLVING A SUBJECT OF THE REPORT. IF THE
20 STATEWIDE DATABASE CONTAINS INFORMATION RELATED TO A REPORT OR A
21 PENDING INVESTIGATION OR ASSESSMENT CONCERNING A SUBJECT OF THE
22 REPORT, THE DEPARTMENT SHALL IMMEDIATELY CONVEY THIS INFORMATION
23 TO THE COUNTY AGENCY, FAMILY ADVOCACY PROGRAM REPRESENTATIVE OR
24 LAW ENFORCEMENT OFFICIAL.

25 * * *

26 Section 4. Sections 6336(a) and 6340(a) of Title 23 are
27 amended by adding paragraphs to read:

28 § 6336. Information in Statewide database.

29 (a) Information authorized.--The Statewide database shall
30 include and shall be limited to the following information:

1 * * *
2 ~~(6.1) If a subject of a report is a service member.~~ <--
3 ~~WHETHER THE REPORT CONCERNS A MILITARY FAMILY AND, IF SO, ANY~~ <--
4 ~~NECESSARY EXPLANATORY INFORMATION.~~

5 * * *
6 § 6340. Release of information in confidential reports.
7 (a) General rule.--Reports specified in section 6339
8 (relating to confidentiality of reports) shall only be made
9 available to:

10 * * *
11 ~~(19) A Family Advocacy Program representative for the~~ <--
12 ~~Commonwealth of Pennsylvania or to the subject's assigned~~
13 ~~military installation that needs the information to carry out~~
14 ~~the military installation's responsibilities if the subject~~
15 ~~of the report is a service member. The information provided~~
16 ~~shall be limited to the following:~~

17 ~~(i) That a report of suspected child abuse committed~~
18 ~~by a service member has been received.~~

19 ~~(ii) Whether the child abuse report is indicated,~~
20 ~~founded or unfounded.~~

21 ~~(iii) A summary of the nature and extent of any~~
22 ~~founded report of child abuse.~~

23 ~~(iv) Resource referrals and the services provided or~~
24 ~~to be provided by the county agency.~~

25 ~~(v) The existence in the Statewide database of a~~
26 ~~prior report of child abuse or a current investigation or~~
27 ~~assessment concerning the subject of the report, if any.~~

28 ~~IF THE REPORT CONCERNS A MILITARY FAMILY, THE FAMILY~~ <--
29 ~~ADVOCACY PROGRAM REPRESENTATIVE FOR THE COMMONWEALTH OR~~
30 ~~TO THE DESIGNATED FAMILY ADVOCACY PROGRAM REPRESENTATIVE~~

1 FOR THE ASSIGNED MILITARY INSTALLATION.

2 * * *

3 Section 5. This act shall take effect ~~immediately~~ DECEMBER <--
4 31, 2020.