



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 430

PRINTERS NO. 2007

PRIME SPONSOR: Watson

COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	\$0	See Fiscal Impact

SUMMARY: House Bill 430, Printer's Number 2007, amends Title 23 (Domestic Relations) to provide for the reporting of suspected child abuse by advanced communication technology, cross-reporting of suspected child abuse, the responsibility for the investigation of suspected child abuse and for education and training. This legislation is effective 60 days after enactment.

ANALYSIS: This legislation amends the Child Protective Services Law (CPSL) to require the Department of Public Welfare (DPW) to establish procedures for the secure and confidential use of advanced communication technologies (i.e. email, internet, etc.) for the filing of reports of suspected child abuse and other required records, as well as the verification of records and signatures on forms. A confirmation by DPW of the receipt of a report of suspected child abuse submitted by advanced communication technologies shall relieve the person making the report from having to make an additional oral or written report of suspected child abuse. DPW will not be permitted to accept anonymous reports of suspected child abuse via advanced communication technologies. The bill will not supersede the Electronic Transactions Act of 1999, and DPW procedures are required to comply with all applicable federal and state laws regarding the confidentiality of personally identifiable information.

Mandated reporters of child abuse, who are members of the staff of a medical or other public or private institution, school facility or agency, will be required to report suspected child abuse to DPW's Childline and to the person in charge of the organization (or that person's designee). The person in charge of the organization (or the designee) then assumes responsibility for facilitating the cooperation of the organization with the investigation of the report.

HB 430 requires a mandated reporter to report suspected abuse immediately by phone or advanced communication technology. If a report is made by advanced communication technology, the reporter will be required to submit medical summaries, photographs and other relevant medical information within 48 hours. County agencies and law enforcement will be allowed to contact DPW through Childline or by advanced communications technology for determining the existence of prior founded or indicated reports of child abuse or reports under investigation in the pending complaint file.

A county agency or law enforcement agency that receives a report of suspected child abuse will make reasonable efforts to ensure the immediate safety of the child and other children in the home, and then immediately notify DPW of the report orally or by advanced communication technology. If the referral is made orally, the agency will have 48 hours to submit a report in writing or by advanced communication technology.

When DPW receives a report of suspected child abuse for referral to a county agency, DPW will immediately notify the appropriate county agency orally or by advanced communication technology. When DPW receives a report of suspected child abuse that alleges a criminal offense against the child, DPW will immediately notify law enforcement personnel in the appropriate county orally or by advanced communication technology.

Under both cases, the notice will contain:

- Information that a complaint of suspected child abuse by a perpetrator has been received.
- The substance of the complaint.
- The existence of a prior indicated or founded report of child abuse or a current investigation concerning a subject of the report.

In the case of joint referrals to a county agency and law enforcement, the notice will include the names and contact information of the other recipients of the referral.

The district attorney will designate three recipients to receive referrals from DPW, and will provide contact information for each recipient to DPW.

If the residency of a subject of a report is a factor that requires the cooperation of more than one county agency, DPW will develop procedures to ensure cooperation between agencies.

The bill does clarify and broaden the responsibility for incidents occurring outside PA, as follows:

A report of suspected child abuse by a perpetrator occurring in another state will be referred to the county of the child's residence or another appropriate county as determined by DPW, if:

- The child victim is identified as a resident of PA; and
- The other state's child protective services agency cannot investigate the report because of statutory or policy limitations.

If the suspected child abuse occurs outside PA and the alleged perpetrator is identified as a PA resident, DPW will refer the matter to the county where the alleged perpetrator resides. The county agency will:

- Notify the children and youth social services agency of the jurisdiction where the suspected abuse occurred; and
- Assist the other agency with the investigation, if requested.

The bill sets forth the procedures for the investigation of suspected child abuse. Specifically, DPW will be required to establish procedures regarding the following different responses to address suspected child abuse or a need for protective services, depending on who is alleged to have committed the suspected abuse or caused the child to be in need of protective services:

- If the suspected abuse is alleged to have been committed by a perpetrator, the appropriate county agency will investigate.
- If the suspected abuse is alleged to have been committed by a perpetrator and the behavior constituting the suspected abuse may include a violation of a criminal offense, the appropriate county agency and local law enforcement will jointly investigate.
- If the suspected abuse is alleged to have been committed by a non-perpetrator, local law enforcement and the county district attorney are solely responsible for the investigation.
- If the child is alleged to be in need of other protective services, the appropriate county agency will assess the needs of the child.

DPW will be permitted to accept and respond to requests for information for the Statewide central register through advanced communication technology, if DPW has established procedures for all of the following: 1) providing notice to the requester that access and dissemination of the information is restricted by the CPSL, 2) electronically verifying the identity of the requestor; and 3) obtaining an affirmation by the requester that the request is within the scope of that person's official duties and the CPSL.

DPW will post guidance, information and training resources related to recognizing and reporting child abuse on its internet site. The content will be relevant to both mandated and permissive reporters. Each Childline child abuse clearance statement will include information that certain individuals are required by law to report suspected child abuse, as well as internet, telephone and address contact information where guidance materials can be obtained. DPW is required to implement the provisions of this paragraph within six months of the effective date of the bill.

FISCAL IMPACT: This legislation is based upon recommendations of the Task Force on Child Protection. This bill clarifies definitions and amends language in the CPSL to provide a more collaborative and streamlined approach to the daily operations of the system and promotes information sharing between stakeholders. DPW intends to begin an IT upgrade in FY2013-14 and has indicated that those costs are incorporated into the Governor's Executive Budget proposal for FY2013-14. DPW has also indicated that with the IT upgrade they will be able to reduce the administrative costs associated with this legislation and therefore absorb any additional costs within the department's operating budget.

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House Appropriations Committee (R)

DATE: June 20, 2013

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.