



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 434

PRINTERS NO. 3438

PRIME SPONSOR: Maloney

### COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	See Fiscal Impact

**SUMMARY:** House Bill 434, Printer's Number 3438, amends the Child Protective Services Law (Title 23, Chapter 63) to eliminate separate standards for school employees with regard to child abuse investigations and background clearances. This legislation is effective December 31, 2014, except for Sections 15, 16 and 17 which are effective immediately.

**ANALYSIS:** This legislation repeals Subchapter C.1 of the Child Protective Services Law (CPSL) which contains the separate standards for school employees regarding child abuse substantiation and reporting procedures.

House Bill 434 repeals student abuse provisions, which apply specifically to school employees, so that when a school employee suspects another school employee of abusing a student, the standard for substantiating abuse, the reporting requirements and procedures, and the investigative response will parallel those for other alleged perpetrators of child abuse. The bill further repeals the language regarding background clearances for school employees and clarifies that school employees governed by clearance requirements in the Public School Code will comply with those provisions, except that they will comply with the CPSL with regard to the child abuse clearance statement (which is not covered by the School Code). School employees and all prospective student-teachers who are not subject to the School Code must comply with the background clearance requirements of the CPSL. In addition, all prospective volunteers who will be working directly with or caring for children are subject to the CPSL child abuse clearance.

This legislation adds false reports of child abuse for the purpose of identifying and tracking patterns of intentionally false reports to the list of items included in the statewide database of protective services.

Section 6341 on the amendment or expunction of information is revised to clarify that a person appealing an Indicated Report of child abuse must be provided with the evidence gathered during a child abuse investigation that is relevant to the child abuse determination and within the possession of the Department of Public Welfare (DPW) or county agency, subject to Section

6339 (relating to confidentiality of reports) and Section 6340 (relating to release of information in confidential reports).

House Bill 434 also revises Section 6344, information relating to prospective child-care personnel and Section 6344.1, information relating to family day-care home residents, to remove references to “founded report for school employee” and “indicated report for school employee” as these designations will no longer exist. Section 6344 (O) is revised to increase the age that a foster family care agency may not approve a prospective foster parent if an individual that is 18 years of age, rather than 14 years of age, that resides with them for at least 30 days in a calendar year is named in the statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification or has been found guilty of an offense listed in the subsection on grounds for denying employment.

Finally, this legislation increases the penalty for anyone acting on behalf of a school, agency or facility who willfully fails to cooperate with a child abuse investigation, from a summary offense to a third-degree misdemeanor for a first offense, and from a third-degree misdemeanor to a second-degree misdemeanor for a second or subsequent offense.

**FISCAL IMPACT:** This legislation is based upon recommendations of the Task Force on Child Protection. The bill removes the dual system for reporting and handling reports of child abuse and student abuse and holds school employees to the same reporting requirements and standards as other persons responsible for providing care to children. The Department of Public Welfare has indicated that they should be able to absorb any additional costs associated with the provisions of this bill within the FY 2014-15 proposed funds.

**PREPARED BY:** Ann Bertolino  
House Appropriations Committee (R)

**DATE:** May 6, 2014

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