



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 726

PRINTERS NO. 2012

PRIME SPONSOR: Petri

COST / (SAVINGS)

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

SUMMARY: House Bill 726, Printer's Number 2012, amends Title 23 (Domestic Relations) to provide for exclusions from child abuse; provide for the disposition of founded and indicated reports; and for the release of information in confidential reports and for investigation of reports. This bill will take effect 60 days after enactment.

ANALYSIS: This legislation provides for the term "child abuse" and means intentionally, knowingly or recklessly doing any of the following:

- Causing bodily injury to a child through any recent act or failure to act.
- Causing or substantially contributing to serious mental injury to a child.
- Causing sexual abuse or exploitation of a child.
- Creating a reasonable likelihood of bodily injury to a child or a likelihood of sexual abuse or exploitation of a child.
- Causing serious physical neglect of a child.
- Engaging in any of the following acts:
 - Kicking, biting or throwing, burning, stabbing or cutting a child in a manner that endangers the child;
 - Unreasonably physically restraining a child, based on consideration for the method, location or the duration of the restraint;
 - Forcefully shaking a child under one year of age;
 - Forcefully striking a child under one year of age;
 - Interfering with the breathing of a child;
 - Causing a child to be present at a location where any of the following offenses has occurred:
 - Operating a methamphetamine laboratory;
 - A felony violation of the Controlled Substance, Drug, Device and Cosmetics Act, resulting in a conviction;
 - Driving under the influence of alcohol or a controlled substance.
 - Causing the death of a child.

Exceptions from “child abuse” include:

- Environmental factors beyond the control of the parent or guardian, such as inadequate housing furnishings, income, clothing and medical care.
- Refusal to provide medical or surgical care based on a deeply held religious belief by a parent or guardian.
- Use of reasonable force on or against a child by a person responsible for supervision, control or safety of the child.
- Reasonable force by parents, guardians and other authorized persons for supervision, control and discipline.
- Participation in events that involve physical contact with a child.
- Peer-on-peer disputes, fights or scuffles.
- Reasonable force for defensive purposes.
- Accidental conduct, where there is no evidence of culpability.

Perpetrators of child abuse who were under 18 years of age when the individual committed child abuse will be expunged from the statewide central registry upon reaching age 21, if the individual has not been named as a perpetrator in any subsequent founded or indicated report of child abuse and has not been subject to the sexual offender registration as a result of an incident of abuse.

FISCAL IMPACT: This legislation is based upon recommendations from the Task Force on Child Protection. DPW has indicated that the provisions of this bill will require re-training of the Commonwealth’s child serving systems, as well as IT updates to ensure consistency in the use of definitions and terminology. DPW has already begun upgrades to the child welfare information systems and the changes required under this legislation will be addressed through those updates. DPW has indicated that any other administrative costs associated with this legislation can be absorbed through existing budgets.

PREPARED BY: Janelle Lynch
House Appropriations Committee (R)

DATE: June 24, 2013

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