



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 726

PRINTERS NO. 2778

PRIME SPONSOR: Petri

### COST / (SAVINGS)

| FUND         | FY 2013/14        | FY 2014/15        |
|--------------|-------------------|-------------------|
| General Fund | See Fiscal Impact | See Fiscal Impact |

**SUMMARY:** House Bill 726, Printer's Number 2778, amends Title 23 (Domestic Relations) to provide for exclusions from child abuse; provide for the disposition of founded and indicated reports; for amendment or expunction of information; for investigation of reports and for evidence in court proceedings. This bill will take effect December 31, 2014.

**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.
- Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment,
- 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 restraining or confining a child, based on consideration for the method, location or the duration of the restraint or confinement;
  - Forcefully shaking a child under one year of age;
  - Forcefully slapping or 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 a methamphetamine laboratory is operating, provided that the violation is being investigated by law enforcement.
  - Leaving a child unsupervised with an individual, other than the child's parent, who the person knows or reasonably should have known:
    - Is required to register as a Tier II or Tier III sexual offender, where the victim of the sexual offense was under 18 years of age.
    - Has been determined to be a sexually violent predator.
    - Has been determined to be a sexually violent delinquent child.
  - 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 relative within the third degree of consanguinity with whom the child lives.
- 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 for the purpose of supervision, control and discipline.
- Participation in events that involve physical contact with a child.
- Child-on-child disputes, fights or scuffles.
- Reasonable force for defensive purposes.

The Secretary of the Department of Public Welfare (DPW) may amend or expunge any record in the statewide database upon good cause shown and notice to the appropriate subjects of the report. Good cause includes but is not limited to the following: newly discovered evidence that an indicated report is inaccurate or being maintained in an inconsistent manner; or a determination that the perpetrator in an indicated report no longer represents a risk of child abuse and no significant public purpose would be served by continued listing of the person as a perpetrator in the statewide database.

Any person named as a perpetrator and any school employee named in an indicated report may within 90 days of notification of the report status, request in writing, an administrative review by, or appeal and request a hearing before, the Secretary to amend or expunge an indicated report on the grounds that it is inaccurate or being maintained in an inconsistent manner. DPW shall send notice of the Secretary’s decision within 60 days of a request for an administrative review or good cause amendment or expunction.

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

**DATE:** December 13, 2013

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