



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 23

PRINTERS NO. 1586

PRIME SPONSOR: Baker

COST / (SAVINGS)

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

SUMMARY: Senate Bill 23, Printer's Number 1586, amends the Child Protective Services Law (Title 23, Chapter 63) to expand the definitions of "perpetrator" and "person responsible for the child's welfare" and to provide for the automatic removal of juvenile perpetrators from the child abuse database with certain exceptions. This legislation is effective December 31, 2014.

ANALYSIS: This legislation defines a perpetrator as a person who has committed child abuse and includes the following:

- Parents of the child.
- A spouse or former spouse of the child's parent.
- A paramour or former paramour of the child's parent.
- A person 14 years of age or older who is responsible for the child's welfare.
- A person 14 years of age or older who resides in the same home as the child.
- A person 18 years of age or older who does not reside in the same home, but is related within the third degree of consanguinity or affinity to the child.

In addition, this legislation specifies that only the following may be considered a perpetrator for failing to act:

- Parents of the child.
- A spouse or former spouse of the child's parent.
- A paramour or former paramour of the child's parent.
- A person 18 years of age or older and responsible for the child's welfare.
- A person 18 years of age or older who resides in the same home as the child.

The definition of a person responsible for a child's welfare was expanded to include any person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization.

Finally, this legislation provides for automatic removal of juvenile perpetrators from the child abuse database upon reaching 21 years of age or after five years, whichever is later unless:

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- The individual has been named the perpetrator in a subsequent report of child abuse or pending investigation.
- The individual has been convicted or adjudicated delinquent for an offense that would constitute grounds for denying employment with children or a proceeding is pending seeking such conviction or adjudication.
- The child abuse involved a deadly weapon.

Automatic removal does not apply to the following:

- A perpetrator in a founded report.
- A sexually violent delinquent child who is required to register as a sex offender and was found delinquent as a result of the same acts which caused the child to be named as a perpetrator of child abuse.
- A juvenile sexual offender, who is required to register as a sex offender, was found delinquent as a result of the same acts which caused the juvenile offender to be named as a perpetrator of child abuse and has not been removed from the Statewide Registry of Sexual Offenders.
- A sexual offender who is required to register as a sex offender as a result of a criminal conviction for the same acts which resulted in the sexual offender being named a perpetrator of child abuse and has not completed the required period of registration.

FISCAL IMPACT: Enactment of this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Ann Bertolino
House Appropriations Committee (R)

DATE: December 10, 2013

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