

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 21

PRINTER'S NO. 1427

AMOUNT

No Significant Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 15, 2013

PRIME SPONSOR

Senator Ward

HISTORY OF BILL

Referred to AGING AND YOUTH, March 15, 2013

Reported as amended, Sept. 24, 2013

First consideration, Sept. 24, 2013

Second consideration, Sept. 25, 2013

Re-referred to APPROPRIATIONS, Sept. 25, 2013

Re-reported as amended, Oct. 1, 2013

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 21 amends Title 23 (Domestic Relations) and persons required to report child abuse.

Amends the Child Protective Services Law and the mandated reporter provisions by:

- Adds the definitions:
 - "Direct contact with children" is the care, supervision, guidance or control of children or routine interaction with children.
 - "Independent contractor" is an individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. The term excludes an individual who, in his capacity as an independent contractor, has no direct contact with children.
 - "Mandated reporter" is a person who is required by the chapter to make a report of suspected child abuse.

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- “Program, activity or service” is a public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:
 - A youth camp or program
 - A recreational camp or program
 - A sports or athletic program
 - An outreach program
 - An enrichment program
 - A troop, club or similar organization
- Basis to file a report:
 - Outlines the process for persons to report suspected child abuse, and
 1. in the course of employment, occupation or practice of a profession, the person comes in contact with the child, or
 2. the person is directly responsible for the care, supervision, guidance or training of the child.
 - The child does not need to come before the mandated reporter himself for the person to make a report.
 - The identity of the perpetrator does not need to be known by the mandated reporter prior to making or causing a report to be made, nor will the person be required to make any attempt to identify the perpetrator.
- Mandated reporters include:
 - Requires the following persons to make a report of suspected child abuse, or cause a report of suspected child abuse to be made:
 1. Anyone licensed in any health-related field under the Department of State;
 2. a medical examiner, coroner or funeral director;
 3. a health care facility or provider licensed by the Department of Health and its employees engaged in admission, examination, care or treatment of individuals;
 4. a school administrator, teacher, nurse, guidance counselor, coach or other school employee or an independent contractor of the school with direct responsibility for children;
 5. a child-care services provider and employees with direct responsibility for children;
 6. a clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
 7. An individual, paid or unpaid, who, on the basis of the individual’s direct responsibility for children, accepts responsibility for a child;
 8. a social services worker;
 9. a peace officer or law enforcement official; and
 10. an emergency medical services provider certified by the Department of Health;

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11. employee or volunteer of any of the above who has direct contact with children in the course of employment; and
12. an independent contractor.

- Mandated reporters must make a report of suspected child abuse if:
 1. the mandated reporter comes into direct contact with the child;
 2. the mandated reporter is directly responsible for the child;
 3. the child makes a disclosure to a mandated reporter; and
 4. an individual over 14 discloses they committed child abuse.
- Privileged communications only applies to clergy member or an attorney, which is the current law.
- Contents of a report of suspected child abuse must include the following, if known:
 - Names and address of the child, the child's parents and any other person responsible for the child's welfare;
 - where the suspected abuse occurred;
 - the age and sex of each subject of the report;
 - the nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child;
 - the name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual;
 - family composition;
 - the source of the report;
 - the person making the report and where that person can be reached;
 - the actions taken by the person making the report, including any relevant medical treatment; and
 - other information required by federal law or regulation.

This act shall take effect on January 1, 2014.

FISCAL IMPACT:

Senate Bill 27 will have no significant fiscal impact to the Commonwealth.