

DOMESTIC RELATIONS CODE (23 PA.C.S.) - MANDATORY REPORTING OF
INFANTS BORN AND IDENTIFIED AS BEING AFFECTED BY ILLEGAL
SUBSTANCE ABUSE

Act of Jan. 22, 2014, P.L. 6, No. 4

Cl. 23

Session of 2014

No. 2014-4

SB 29

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions and for mandatory reporting of infants.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 6303(a) of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read: § 6303. Definitions.

(a) General rule.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Health care provider." A licensed hospital or health care facility or person who is licensed, certified or otherwise regulated to provide health care services under the laws of this Commonwealth, including a physician, podiatrist, optometrist, psychologist, physical therapist, certified nurse practitioner, registered nurse, nurse midwife, physician's assistant, chiropractor, dentist, pharmacist or an individual accredited or certified to provide behavioral health services.

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"Safety assessment." A Commonwealth-approved systematic process that assesses a child's need for protection or services, based on the threat to the safety of the child.

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Section 2. Section 6386 of Title 23 is amended to read: § 6386. [Mandatory reporting of infants born and identified as being affected by illegal substance abuse.

Health care providers who are involved in the delivery or care of an infant who is born and identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure shall immediately cause a report to be made to the appropriate county agency. The county agency shall provide or arrange for appropriate services for the infant.] **Mandatory reporting of children under one year of age .**

(a) **When report to be made.--**A health care provider shall immediately make a report or cause a report to be made to the appropriate county agency if the provider is involved in the delivery or care of a child under one year of age who is born and identified as being affected by any of the following:

(1) **Illegal substance abuse by the child's mother.**

(2) **Withdrawal symptoms resulting from prenatal drug exposure.**

(3) **A Fetal Alcohol Spectrum Disorder.**

(b) **Safety or risk assessment.--**The county agency shall perform a safety assessment or risk assessment, or both, for

the child and determine whether child protective services or general protective services are warranted.

(c) County agency duties.--Upon receipt of a report under this section, the county agency for the county where the child resides shall:

(1) Immediately ensure the safety of the child and see the child immediately if emergency protective custody is required or has been or shall be taken or if it cannot be determined from the report whether emergency protective custody is needed.

(2) Physically see the child within 48 hours of receipt of the report.

(3) Contact the parents of the child within 24 hours of receipt of the report.

(4) Provide or arrange reasonable services to ensure the child is provided with proper parental care, control and supervision.

Section 3. This act shall take effect in 90 days.

APPROVED--The 22nd day of January, A.D. 2014.

TOM CORBETT