

DOMESTIC RELATIONS CODE (23 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Jun. 28, 2018, P.L. 375, No. 54

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No. 2018-54

HB 1232

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for establishment of Statewide toll-free telephone number, for disposition and expunction of unfounded reports and general protective services reports, for employees having contact with children and adoptive and foster parents, for volunteers having contact with children and for mandatory reporting of children under one year of age.

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

Section 1. Section 6332 of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding subsections to read: § 6332. Establishment of Statewide toll-free telephone number.

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(c) **Posting Statewide toll-free telephone number in schools.**--All public and nonpublic schools that enroll students in grades kindergarten through 12 shall publicly display at each school campus a poster uniformly designed by the department that contains the Statewide toll-free telephone number for reporting suspected child abuse or neglect and any Statewide toll-free telephone number relating to school safety. The following apply:

(1) The poster shall be posted in a high-traffic, public area of the school that is readily accessible to and widely used by students.

(2) The department shall, in consultation with the Department of Education, design the poster, which shall:

(i) be 11 inches by 17 inches or larger;

(ii) display in bold print the Statewide toll-free telephone number for reporting suspected child abuse or neglect and any Statewide toll-free telephone number relating to school safety; and

(iii) include the department's publicly accessible Internet website that provides information and resources related to child protection.

(3) The department and the Department of Education shall make the poster available on their publicly accessible Internet websites to all public and nonpublic schools.

(d) **Posting Statewide toll-free telephone numbers in hospitals.**--All hospitals shall publicly display a poster that contains the Statewide toll-free telephone number for reporting suspected child abuse or neglect and any Statewide toll-free telephone number relating to school safety. The poster shall be 11 inches by 17 inches or larger and of a uniform design approved by the department in consultation with the Department of Health. The poster shall be posted in a high-traffic, public area of the emergency department of the hospital. The Statewide toll-free telephone numbers shall be printed in bold print. The poster shall also include the department's publicly

accessible Internet website that provides information and resources related to child protection.

Section 2. Sections 6337(d) and (f), 6344(b) introductory paragraph and (b.1), 6344.2(a), (b) and (b.1)(1)(i) and 6386 of Title 23 are amended to read:

§ 6337. Disposition and expunction of unfounded reports and general protective services reports.

* * *

(d) Expunction of valid general protective services reports.--Information concerning valid general protective services reports shall be maintained in the Statewide database as follows:

(1) Reports that are assessed by the county agency and are determined to be valid, but are not accepted for services, shall be reported to the department and entered into the Statewide database. The reports shall be maintained for a period of [five] **ten** years[.] **or until the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first.** Following the expiration of [five] **ten** years after the date the report was received by the department **or until the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first,** the report shall be expunged from the Statewide database as soon as possible, but no later than 120 days after the [five-year] **ten-year** period following the date the report was received by the department[.] **or the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first.**

(2) Reports that are assessed by the county agency and accepted for services shall be reported to the department, **except as otherwise provided in subsection (f)(2),** and entered into the Statewide database. The reports shall be maintained for a period of [five] **ten** years after the closure of services by the county agency[.] **or until the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first.** Following the expiration of [five] **ten** years after the closure of services by the county agency **or until the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first,** the report shall be expunged from the Statewide database as soon as possible, but no later than 120 days after the [five-year] **ten-year** period following the closure of services by the county agency[.] **or the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first.**

(3) The expunction of information on general protective services under this subsection shall be mandated and guaranteed by the department.

* * *

(f) County agency records.--**Information concerning protective services reports shall be maintained by a county agency as follows:**

(1) County agency records of protective services shall be used and maintained in a manner that is consistent with the use and maintenance of information in the Statewide database, as provided under this chapter, **except as otherwise provided in paragraph (2).** If required under this chapter to amend or expunge information in the Statewide database,

the department shall notify the appropriate county agency of the amendment or expungement within ten days. The county agency shall amend or expunge its records in a commensurate manner within ten days of receiving notification from the department.

(2) A county agency may maintain information regarding protective services reports that have been expunged in the Statewide database for access by the county agency to assist in future risk and safety assessments and research.

§ 6344. Employees having contact with children; adoptive and foster parents.

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(b) Information to be submitted.--An individual identified in subsection (a)(7) or (8) at the time the individual meets the description set forth in subsection (a)(7) or (8) and an individual identified in subsection (a)(1), (2), (3), (4), (5) **(i)** or (6), (a.1) or (a.2) prior to the commencement of employment or service or in accordance with section 6344.4 shall be required to submit the following information to an employer, administrator, supervisor or other person responsible for employment decisions or involved in the selection of volunteers:

* * *

(b.1) Required documentation to be maintained and produced.--The employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity identified in subsection (a)(1), (2), (3), (4), (5) **(i)** or (6), (a.1) or (a.2) shall maintain a copy of the required information and require the individual to submit the required documents prior to employment or acceptance to serve in any such capacity or as required in section 6344.4, except as allowed under subsection (m).

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§ 6344.2. Volunteers having contact with children.

(a) Applicability.--This section applies to an adult applying for or holding an unpaid position as a volunteer with a child-care service, a school or a program, activity or service, as a person responsible for the child's welfare or having direct volunteer contact with children[.] **and an individual identified under section 6344(a)(5)(ii) (relating to employees having contact with children; adoptive and foster parents) .**

(b) Investigation.--Employers, administrators, supervisors or other persons responsible for selection of volunteers shall require an applicant to submit to all requirements set forth in section 6344(b) [(relating to employees having contact with children; adoptive and foster parents)] except as provided in subsection (b.1). An employer, administrator, supervisor or other person responsible for selection of volunteers regarding an applicable prospective volunteer under this section that intentionally fails to require the submissions before approving that individual commits a misdemeanor of the third degree.

(b.1) Exception.--

(1) A person responsible for the selection of volunteers under this chapter shall require an applicable prospective volunteer prior to the commencement of service to submit only the information under section 6344(b)(1) and (2), if the following apply:

(i) The position the prospective volunteer is applying for is unpaid **or the prospective volunteer is an individual identified under section 6344(a)(5)(ii).**

* * *

§ 6386. [Mandatory reporting of] **Notification to department and development of plan of safe care for children under one year of age.**

(a) [When report to be made.--A] **Notification to department.--For the purpose of assessing a child and the child's family for a plan of safe care, a health care provider shall immediately [make a report or cause a report to be made to the appropriate county agency] give notice or cause notice to be given to the department 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] and the health care provider has determined, based on standards of professional practice, the child was born affected by [any of the following]:**

(1) [Illegal] substance [abuse by the child's mother.
(2) Withdrawal] **use or withdrawal** symptoms resulting from prenatal drug exposure [unless the child's mother, during the pregnancy, was:

(i) under the care of a prescribing medical professional; and

(ii) in compliance with the directions for the administration of a prescription drug as directed by the prescribing medical professional.

(3) A]; **or**

(2) **a Fetal Alcohol Spectrum Disorder.**

(a.1) Notification not to constitute child abuse report.--The notification by a health care provider to the department and any transmittal to the county agency by the department shall not constitute a child abuse report.

[(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.]

(b.1) Development of interagency protocols and plan of safe care.--The department, in collaboration with the Department of Health and the Department of Drug and Alcohol Programs, shall develop written protocols that include, but are not limited to:

(1) **Definitions and evidence-based screening tools, based on standards of professional practice, to be utilized by health care providers to identify a child born affected by substance use or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder.**

(2) **Notification to the department that a child born affected by substance use or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder has been born and identified. Ongoing involvement of the county agency after taking into consideration the**

individual needs of the child and the child's parents and immediate caregivers may not be required.

(3) Collection of data to meet Federal and State reporting requirements.

(4) Identification, informed by an assessment of the needs of the child and the child's parents and immediate caregivers, of the most appropriate lead agency responsible for developing, implementing and monitoring a plan of safe care, informed by a multidisciplinary team meeting that is held prior to the child's discharge from the health care facility, which may include:

- (i) public health agencies;
 - (ii) maternal and child health agencies;
 - (iii) home visitation programs;
 - (iv) substance use disorder prevention and treatment providers;
 - (v) mental health providers;
 - (vi) public and private children and youth agencies;
 - (vii) early intervention and developmental services;
 - (viii) courts;
 - (ix) local education agencies;
 - (x) managed care organizations and private insurers;
- and
- (xi) hospitals and medical providers.

(5) Engagement of the child's parents and immediate caregivers in order to identify the need for access to treatment for any substance use disorder or other physical or behavioral health condition that may impact the safety, early childhood development and well-being of the child.

Section 3. A report under 23 Pa.C.S. § 6337(d), which is due to be expunged from the Statewide database during the 365-day period following the enactment of this act, shall continue to be maintained in the Statewide database and shall be subject to the expunction provisions of 23 Pa.C.S. § 6337(d) on and after the effective date of the amendment of 23 Pa.C.S. § 6337(d).

Section 4. This act shall take effect as follows:

- (1) The addition of 23 Pa.C.S. § 6332(c) and (d) shall take effect in 60 days.
- (2) The amendment of 23 Pa.C.S. § 6337(d) and (f) shall take effect in 365 days.
- (3) The amendment of 23 Pa.C.S. § 6386 shall take effect after October 1, 2018.
- (4) The remainder of this act shall take effect immediately.

APPROVED--The 28th day of June, A.D. 2018.

TOM WOLF