

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1116 Session of
2013

INTRODUCED BY WASHINGTON AND MENSCH, SEPTEMBER 30, 2013

SENATOR MENSCH, AGING AND YOUTH, AS AMENDED, OCTOBER 1, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for services for prevention, investigation and
4 treatment of child abuse and for investigation of reports.

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

7 Section 1. Sections 6365(a), (b) and (c) and 6368 of Title
8 23 of the Pennsylvania Consolidated Statutes are amended to
9 read:

10 § 6365. Services for prevention, investigation and treatment of
11 child abuse.

12 (a) Instruction and education.--Each county agency shall
13 make available, among its services for the prevention and
14 treatment of child abuse by a perpetrator, instruction and
15 education for parenthood and parenting skills, protective and
16 preventive social counseling, outreach and counseling services
17 to prevent newborn abandonment, emergency caretaker services,
18 emergency shelter care, emergency medical services and the
19 establishment of self-help groups organized for the prevention

1 and treatment of child abuse, part-day services, out-of-home
2 placement services, therapeutic activities for child and family
3 directed at alleviating conditions that present a risk to the
4 safety and well-being of a child and any other services required
5 by department regulations.

6 (b) Multidisciplinary review team.--The county agency shall
7 make available among its services a multidisciplinary review
8 team for the prevention, investigation and treatment of child
9 abuse and shall convene the multidisciplinary review team at any
10 time, but not less than annually:

11 (1) To review substantiated cases of child abuse,
12 including responses by the county agency and other agencies
13 providing services to the child.

14 (2) Where appropriate to assist in the development of a
15 family service plan for the child.

16 (c) [Investigative] Multidisciplinary investigative team.--A
17 multidisciplinary investigative team shall be used to coordinate
18 child-abuse investigations between county agencies and law
19 enforcement. The county agency and the district attorney shall
20 develop a protocol for the convening of multidisciplinary
21 investigative teams for any case of child abuse involving crimes
22 against children which are set forth in section 6340(a)(9) and
23 (10) (relating to release of information in confidential
24 reports). The county agency protocol shall include standards and
25 procedures to be used in receiving and referring reports and
26 coordinating investigations of reported cases of child abuse and
27 a system for sharing the information obtained as a result of any
28 interview. The protocol shall include any other standards and
29 procedures to avoid duplication of fact-finding efforts and
30 interviews to minimize the trauma to the child. The district

1 attorney shall convene [an] the multidisciplinary investigative
2 team in accordance with the protocol. The multidisciplinary
3 investigative team shall consist of those individuals and
4 agencies responsible for investigating the abuse or for
5 providing services to the child and shall at a minimum include a
6 health care provider, county caseworker and law enforcement
7 official.

8 * * *

9 § 6368. Investigation of reports.

10 [(a) General rule.--Upon receipt of each report of suspected
11 child abuse, the county agency shall immediately commence an
12 appropriate investigation and see the child immediately if
13 emergency protective custody is required or has been or shall be
14 taken or if it cannot be determined from the report whether
15 emergency protective custody is needed. Otherwise, the county
16 agency shall commence an appropriate investigation and see the
17 child within 24 hours of receipt of the report. The
18 investigation shall include a determination of the risk of harm
19 to the child or children if they continue to remain in the
20 existing home environment, as well as a determination of the
21 nature, extent and cause of any condition enumerated in the
22 report, any action necessary to provide for the safety of the
23 child or children and the taking of photographic identification
24 of the child or children to be maintained with the file. During
25 the investigation, the county agency shall provide or arrange
26 for services necessary to protect the child while the agency is
27 making a determination pursuant to this section. If the
28 investigation indicates serious physical injury, a medical
29 examination shall be performed on the subject child by a
30 certified medical practitioner. Where there is reasonable cause

1 to suspect there is a history of prior or current abuse, the
2 medical practitioner has the authority to arrange for further
3 medical tests or the county agency has the authority to request
4 further medical tests. The investigation shall include
5 communication with the department's service under section 6332
6 (relating to establishment of Statewide toll-free telephone
7 number). Prior to interviewing a subject of the report, the
8 county agency shall orally notify the subject who is about to be
9 interviewed of the existence of the report, the subject's rights
10 under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338
11 (relating to other basic rights) and the subject's rights
12 pursuant to this chapter in regard to amendment or expungement.
13 Within 72 hours following oral notification to the subject, the
14 county agency shall give written notice to the subject. The
15 notice may be reasonably delayed if notification is likely to
16 threaten the safety of the victim, a nonperpetrator subject or
17 the investigating county agency worker, to cause the perpetrator
18 to abscond or to significantly interfere with the conduct of a
19 criminal investigation. However, the written notice must be
20 provided to all subjects prior to the county agency's reaching a
21 finding on the validity of the report.

22 (a.1) Investigation of report concerning child-care service
23 personnel.--Upon notification that an investigation involves
24 suspected child abuse perpetrated by child-care service
25 personnel, including a child-care service employee, service
26 provider or administrator, the respective child-care service
27 must immediately implement a plan of supervision or alternative
28 arrangement subject to the county agency's approval for the
29 individual under investigation to ensure the safety of the child
30 and other children who are in the care of the child-care

1 service. Such plan of supervision or alternative arrangement
2 shall be kept on file with the county agency until such time
3 that the investigation is completed.

4 (b) Conditions outside home environment.--The investigation
5 shall determine whether the child is being harmed by factors
6 beyond the control of the parent or other person responsible for
7 the welfare of the child, and, if so determined, the county
8 agency shall promptly take all available steps to remedy and
9 correct these conditions, including, but not limited to, the
10 coordination of social services for the child and the family, or
11 referral of the family to appropriate agencies for the provision
12 of services.

13 (c) Completion of investigations.--The investigation by the
14 county agency to determine whether the report is "founded,"
15 "indicated" or "unfounded" and whether to accept the family for
16 service shall be completed within 60 days in all cases. If, due
17 to the particular circumstances of the case, the county agency
18 cannot complete the investigation within 30 days, the particular
19 reasons for the delay shall be described in the child protective
20 service record and available to the department for purposes of
21 determining whether the county agency has strictly followed the
22 provisions of this chapter and whether the county agency is
23 subject to action as authorized by section 6343 (relating to
24 investigating performance of county agency). Where a petition
25 has been filed under 42 Pa.C.S. Ch. 63 (relating to juvenile
26 matters) alleging that the child is a dependent child, the
27 county agency shall make all reasonable efforts to complete the
28 investigation to enable the hearing on the petition to be held
29 as required by 42 Pa.C.S. § 6335 (relating to release or holding
30 of hearing).

(d) Referral for investigation.--If the complaint of suspected abuse is determined to be one which cannot be investigated under this chapter because the person accused of the abuse is not a perpetrator within the meaning of section 6303 (relating to definitions) but does suggest the need for investigation, the county agency shall immediately transmit the information to the appropriate authorities, including the district attorney, the district attorney's designee or other law enforcement official, in accordance with the county protocols for investigative teams required by section 6365(c) (relating to services for prevention, investigation and treatment of child abuse).]

(a) Response to direct reports.--Upon receipt of a report of suspected child abuse by a perpetrator from an individual, the county agency shall ensure the safety of the child and immediately contact the department in accordance with the provisions of section 6323 (relating to disposition of initial reports).

(b) Response to reports referred to county agency by department.--Upon receipt of a report of suspected child abuse from the department, the county agency shall immediately commence an investigation and see the child within the following time frames:

(1) Immediately, if:

(i) emergency protective custody is required, has been or will be taken; or

(ii) it cannot be determined from the report whether emergency protective custody is needed.

(2) Within 24 hours of receipt of the report in all other cases.

1 (c) Investigation.--An investigation under this section
2 shall include the following:

3 (1) A determination of the safety of, or risk of harm
4 to, the child or any other child if each child continues to
5 remain in the existing home environment.

6 (2) A determination of the nature, extent and cause of
7 any condition listed in the report.

8 (3) Any action necessary to provide for the safety of
9 the child or any other child in the child's household.

10 (4) The taking of photographic identification of the
11 child or any other child in the child's household, which
12 shall be maintained in the case file.

13 (5) Communication with the department's service under
14 section 6322 (relating to access to reports).

15 (d) Investigative actions.--During the investigation, all of
16 the following shall apply:

17 (1) The county agency shall provide or arrange for
18 services necessary to protect the child while the agency is
19 making a determination under this section.

20 (2) The county agency may require that a medical
21 examination by a certified medical practitioner be performed
22 on the child or any other child in the child's household when
23 deemed necessary because of information discovered during the
24 course of the investigation.

25 (3) Where there is reasonable cause to suspect that
26 there is a history of prior or current abuse or neglect,
27 further medical tests may be arranged by the certified
28 medical practitioner or requested by the county agency.

29 (e) Investigation concerning child-care personnel.--

30 (1) Upon notification that an investigation involves

1 suspected child abuse by child-care service personnel,
2 including a child-care service employee, service provider or
3 administrator, the child-care service shall immediately
4 implement a plan ~~or~~ OF supervision or alternative arrangement <--
5 for the individual under investigation to ensure the safety
6 of the child and other children who are in the care of the
7 child-care service.

8 (2) The plan of supervision or alternative arrangement
9 shall be approved by the county agency and kept on file with
10 the agency until the investigation is completed.

11 (f) Referral for investigation.--If the complaint of
12 suspected abuse is determined to be one that cannot be
13 investigated under this chapter because the person accused of
14 the abuse is not a perpetrator within the meaning of section
15 6303 (relating to definitions), but does suggest the need for
16 investigation, the county agency shall immediately transmit the
17 information to the appropriate law enforcement officials in
18 accordance with the county protocols for multidisciplinary
19 investigative teams required under section 6365(c) (relating to
20 services for prevention, investigation and treatment of child
21 abuse).

22 (g) Need for social services.--If the investigation
23 determines that the child is being harmed by factors beyond the
24 control of the parent or other person responsible for the
25 child's welfare, the county agency shall promptly take all steps
26 available to remedy and correct these conditions, including the
27 coordination of social services for the child and the family or
28 referral of the family to appropriate agencies for the provision
29 of services.

30 (h) Notice of investigation.--

1 (1) Prior to interviewing a subject of a report, the
2 county agency shall orally notify the subject who is about to
3 be interviewed of the following information:

4 (i) The existence of the report.

5 (ii) The subject's rights under 42 Pa.C.S. §§ 6337
6 (relating to right to counsel) and 6338 (relating to
7 other basic rights).

8 (iii) The subject's rights under section 6341.2(f), <--
9 (g) and (i) (relating to disposition of reports upon
10 completion of assessment or investigation) PURSUANT TO <--
11 THIS CHAPTER IN REGARD TO AMENDMENT OR EXPUNGEMENT.

12 (2) Written notice shall be given to the subject within
13 72 hours following oral notification, unless delayed as
14 provided in subsection (i).

15 (i) Delay of notification.--The notice under subsection (h)
16 may be reasonably delayed, subject to the following:

17 (1) If the notification is likely to:

18 (i) threaten the safety of a victim, a subject of
19 the report who is not a perpetrator or the investigation <--
20 social INVESTIGATING COUNTY AGENCY worker; <--

21 (ii) cause the perpetrator to abscond; or

22 (iii) significantly interfere with the conduct of a
23 criminal investigation.

24 (2) The written notice shall be provided to all subjects
25 of the report prior to the county agency reaching a finding
26 on the validity of the report.

27 (j) Completion of investigation.--Investigations shall be
28 completed in accordance with the following:

29 (1) Investigations to determine whether to accept the
30 family for service and whether a report is founded, indicated

1 or unfounded shall be completed within 60 days in all cases.

2 (2) If, due to the particular circumstances of the case,
3 the county agency cannot complete the investigation within 30
4 days, the particular reasons for the delay shall be described
5 in the child protective service record and made available to
6 the department for purposes of determining whether either of
7 the following occurred:

8 (i) The county agency strictly followed the
9 provisions of this chapter.

10 (ii) The county agency is subject to action as
11 authorized under section 6343 (relating to investigating
12 performance of county agency).

13 (3) Where a petition has been filed under 42 Pa.C.S. Ch.
14 63 (relating to juvenile matters) alleging that a child is a
15 dependent child, the county agency shall make all reasonable
16 efforts to complete the investigation to enable the hearing
17 on the petition to be held as required by 42 Pa.C.S. § 6335
18 (relating to release or holding of hearing).

19 Section 2. This act shall take effect January 1, 2014.