

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL  
No. 25

Session of  
1975

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JANUARY 21, 1975

AS RE-REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 1975

AN ACT

1 ~~Establishing child protective services; providing procedures for~~ <—  
2 ~~reporting and investigating the abuse of children; providing~~  
3 ~~immediate access to a central register on child abuse;~~  
4 ~~investigating such reports; providing for taking protective~~  
5 ~~action; placing duties on the Department of Public Welfare~~  
6 ~~and county child welfare agencies; and providing penalties.~~  
7 ESTABLISHING CHILD PROTECTIVE SERVICES; PROVIDING PROCEDURES FOR <—  
8 REPORTING AND INVESTIGATING THE ABUSE OF CHILDREN;  
9 ESTABLISHING AND PROVIDING ACCESS TO A STATEWIDE CENTRAL  
10 REGISTER ON CHILD ABUSE; INVESTIGATING SUCH REPORTS;  
11 PROVIDING FOR TAKING PROTECTIVE ACTION INCLUDING TAKING A  
12 CHILD INTO PROTECTIVE CUSTODY; PLACING DUTIES ON THE  
13 DEPARTMENT OF PUBLIC WELFARE AND COUNTY CHILD WELFARE  
14 AGENCIES; ESTABLISHING CHILD PROTECTIVE SERVICES IN EACH  
15 COUNTY CHILD WELFARE AGENCY; AND PROVIDING PENALTIES.

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

18 ~~Section 1. Short Title. This act shall be known and may be~~ <—  
19 ~~cited as the "Child Protective Services Law."~~

20 ~~Section 2. Findings and Purpose. Abused children are in~~  
21 ~~urgent need of an effective child protective service to prevent~~

1 ~~them from suffering further injury and impairment. It is the~~  
2 ~~purpose of this act to encourage more complete reporting of~~  
3 ~~suspected child abuse and to establish in each county a child~~  
4 ~~protective service capable of investigating such reports swiftly~~  
5 ~~and competently and capable of providing protection for children~~  
6 ~~from further abuse and rehabilitative services for children and~~  
7 ~~parents involved so as to ensure the child's well being and to~~  
8 ~~preserve and stabilize family life wherever appropriate.~~

9 ~~Section 3. Definitions. As used in this act:~~

10 ~~"Abused child" means a child under 18 years of age who~~  
11 ~~discloses evidence of gross physical neglect, sexual abuse or~~  
12 ~~grave physical or emotional injury not explained by the~~  
13 ~~available medical history as being accidental if the neglect,~~  
14 ~~abuse, or injury has been caused by the acts or omissions of the~~  
15 ~~child's parents or by a person responsible for the child's~~  
16 ~~welfare provided, however, no child shall be deemed to be~~  
17 ~~physically abused for the sole reason he is in good faith being~~  
18 ~~furnished treatment by spiritual means through prayer alone in~~  
19 ~~accordance with the tenets and practices of a recognized church~~  
20 ~~or religious denomination by a duly accredited practitioner~~  
21 ~~thereof.~~

22 ~~"Expunge" means to strike out or obliterate entirely so that~~  
23 ~~the expunged information may not be stored, identified, or later~~  
24 ~~recovered by any means mechanical, electronic, or otherwise.~~

25 ~~"Founded report" means a report made pursuant to this act if~~  
26 ~~there has been any judicial adjudication based on a finding that~~  
27 ~~a child who is a subject of the report has been abused.~~

28 ~~"Subject of the report" means any child reported to the~~  
29 ~~central register of child abuse and his parent, guardian or~~  
30 ~~other person legally responsible also named in the report.~~

~~"Under investigation" means a report pursuant to this act which is being investigated to determine whether it is "founded," "unexplained," or "unfounded."~~

~~"Unexplained report" means a report made pursuant to this act if an investigation determines that some credible evidence of the alleged abuse exists, and the child protective services agency does not determine that the injuries were inflicted accidentally.~~

~~"Unfounded report" means any report made pursuant to this act unless the report is a "founded report" or unless an investigation determines that the report is unexplained.~~

~~Section 4. Persons Required to Report Suspected Child Abuse. The persons who, in the course of their employment, occupation, or practice of their profession, have cause to come in contact with children, including but not limited to any licensed physician, medical examiner, coroner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, a Christian Science practitioner, school official, school teacher, social services worker, day care center worker or any other child care or foster care worker, mental health professional, peace officer or law enforcement official are required to report or cause a report to be made in accordance with this act when they have reason to believe, on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is an abused child. However, whenever such person is required to report under this act in his capacity as a member of the staff of a medical or other public or private~~

1 ~~institution, school, facility, or agency, he shall immediately~~  
2 ~~notify the person in charge of such institution, school,~~  
3 ~~facility, or agency, or his designated agent, who then also~~  
4 ~~shall become responsible to report or cause reports to be made.~~  
5 ~~Nothing in this act is intended to require more than one report~~  
6 ~~from any such institution, school or agency.~~

7 ~~Section 5. Any Person Permitted to Report. In addition to~~  
8 ~~those persons and officials required to report suspected child~~  
9 ~~abuse, any person may make such a report if that person has~~  
10 ~~reasonable cause to suspect that a child is an abused child.~~

11 ~~Section 6. Reporting Procedure. Reports of suspected child~~  
12 ~~abuse shall be made immediately by telephone and in writing~~  
13 ~~within 48 hours after the oral report. Oral reports may be made~~  
14 ~~to the appropriate county child welfare agency and shall be made~~  
15 ~~to the Statewide central registry pursuant to section 13. In~~  
16 ~~those localities in which oral reports are made initially to the~~  
17 ~~county public child welfare agency, the child protective service~~  
18 ~~agent of said agency shall immediately make a report to the~~  
19 ~~Statewide central register. Written reports shall be made to the~~  
20 ~~appropriate county public child welfare agency in a manner~~  
21 ~~prescribed and on forms supplied by the Department of Public~~  
22 ~~Welfare. Reports shall include the following information: the~~  
23 ~~names and addresses of the child and his parents or other person~~  
24 ~~responsible for his care, if known; the child's age, sex and~~  
25 ~~race; the nature and extent of the child's abuse, including any~~  
26 ~~evidence of prior abuse to the child or his siblings; the name~~  
27 ~~of the person or persons responsible for causing the abuse if~~  
28 ~~known; family composition; the source of the report; the person~~  
29 ~~making the report and where he can be reached; the actions taken~~  
30 ~~by the reporting source, including the taking of photographs and~~

~~x rays, removal or keeping of the child or notifying the medical examiner or coroner; and any other information which the Department of Public Welfare may, by regulation, require. The failure of any person reporting cases of suspected child abuse to confirm an oral report in writing within 48 hours shall in no way relieve the county public welfare agency from any duties established by this act as if a written report were actually made.~~

~~Section 7. Obligations of Persons Required to Report. Any person or official required to report cases of suspected child abuse may take or cause to be taken at public expense photographs of the areas of trauma visible on a child who is subject to a report and, if medically indicated, cause to be performed a radiological examination on the child. Any photographs or x rays taken shall be sent to the child protective service at the time the written report is sent, or as soon thereafter as possible.~~

~~Section 8. Taking a Child into Protective Custody. (a) A child may be taken into custody:~~

~~(1) Pursuant to a court order under the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act."~~

~~(2) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from his surroundings and that his or her removal is necessary.~~

~~(3) By a physician examining or treating the child or director or his designee of any hospital or other medical institution where the child is being treated if such protective custody is immediately necessary to protect the child from~~

~~further gross neglect, sexual abuse, or grave physical injury.~~

~~(b) Any individual taking a child into protective custody under this act shall immediately notify the child's parent, guardian or other custodian of the child's whereabouts, and shall immediately notify the appropriate child welfare agency in order that proceedings under the Juvenile Act may be initiated if appropriate.~~

~~(c) In no case shall protective custody under this act be maintained longer than 72 hours without a detention hearing.~~

~~(d) No child taken into protective custody under this act shall be detained during such protective custody except in an appropriate medical facility.~~

~~Section 9. Mandatory Reporting to and Post mortem Investigation of Deaths. Any person or official required to report cases of suspected child abuse, including workers of the county public child welfare agency, who has reasonable cause to suspect that a child died as a result of child abuse shall report that fact to the coroner. The coroner shall accept the report for investigation and shall report his finding to the police, the district attorney, the county public child welfare agency and, if the institution making the report is a hospital, the hospital.~~

~~Section 10. Immunity from Liability. Any person participating in good faith in the making of a report or testifying in any proceeding arising out of child abuse, the taking of photographs, or the removal or keeping of a child pursuant to section 8 shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any person required to report cases of child~~

1 ~~abuse shall be presumed.~~

2 ~~Section 11. Penalties for Failure to Report. (a) Any person~~  
3 ~~or official required by this act to report a case of suspected~~  
4 ~~child abuse who wilfully fails to do so shall be guilty of a~~  
5 ~~summary offense, except that for a second offense shall be~~  
6 ~~guilty of a misdemeanor of the second degree, and subsequent~~  
7 ~~offense the person or official shall be guilty of a misdemeanor~~  
8 ~~of the first degree.~~

9 ~~(b) Any person or official required by this act to report a~~  
10 ~~case of suspected child abuse who wilfully fails to do so shall~~  
11 ~~be civilly liable for the damages proximately caused by such~~  
12 ~~failure.~~

13 ~~Section 12. Education and Training. The Department of~~  
14 ~~Public Welfare and county public child welfare agency, both~~  
15 ~~jointly and individually, shall conduct a continuing publicity~~  
16 ~~and education program for local staff, persons required to~~  
17 ~~report and any other appropriate persons to encourage the~~  
18 ~~fullest degree of reporting of suspected child abuse. The~~  
19 ~~program shall include but not be limited to responsibilities,~~  
20 ~~obligations and powers under this act as well as the diagnosis~~  
21 ~~of child abuse and the procedures of the county public child~~  
22 ~~welfare agency, the court and other duly authorized agencies.~~

23 ~~Section 13. Statewide Central Register. (a) There shall be~~  
24 ~~established in the Department of Public Welfare a Statewide~~  
25 ~~central register of child abuse report summaries made pursuant~~  
26 ~~to this act.~~

27 ~~(b) The central register shall be capable of receiving from~~  
28 ~~county child protective services report summaries of child abuse~~  
29 ~~and of immediately identifying prior reports of child abuse and~~  
30 ~~be capable of monitoring the provision of child welfare~~

1 ~~protective service 24 hours a day, seven days a week. To~~  
2 ~~effectuate this purpose, but subject to the provisions of the~~  
3 ~~appropriate local plan for the provision of child protective~~  
4 ~~services, there shall be a single Statewide toll free telephone~~  
5 ~~number that all persons, whether mandated by the law or not, may~~  
6 ~~use to report cases of suspected child abuse and that all~~  
7 ~~persons authorized by section 8 to take children into protective~~  
8 ~~custody may use for determining the existence of prior reports.~~  
9 ~~Persons receiving information under this subsection may be~~  
10 ~~informed only as to whether a prior report exists, the number of~~  
11 ~~such reports, whether the reports are founded, unexplained or~~  
12 ~~unfounded, the statutory meaning of these terms, and the~~  
13 ~~location and telephone number of the appropriate county child~~  
14 ~~welfare agency. Such reports shall be immediately transmitted by~~  
15 ~~the Department of Public Welfare to the appropriate county~~  
16 ~~public child welfare agency. If the records indicate a previous~~  
17 ~~report concerning a subject of the report or other pertinent~~  
18 ~~information, the appropriate county public child welfare agency~~  
19 ~~shall be immediately notified of the fact.~~

20 ~~(c) The central register shall include and shall be limited~~  
21 ~~to the following information: the names of the subjects of the~~  
22 ~~reports; the date or dates of the alleged instances of abuse;~~  
23 ~~the home addresses of the subjects of the report; the locality~~  
24 ~~in which the alleged abuse occurred; whether the report is~~  
25 ~~adjudicated "founded," "unexplained," "unfounded," or "under~~  
26 ~~investigation"; and the results of any legal proceedings brought~~  
27 ~~on the basis of the alleged abuse.~~

28 ~~(d) No information shall be released under this section~~  
29 ~~unless the identity of the person or official requesting the~~  
30 ~~information is confirmed by the department.~~



~~(e) Information in the central registry shall not be released for any purpose or to any individual not specified in this section.~~

~~(f) Unless an investigation of a report conducted pursuant to this act determines that the report is "founded" or "unexplained," all information identifying the subjects of the report shall be expunged from the central register forthwith.~~

~~(g) In all other cases, the record of the report to the central register shall be sealed no later than the subject child's 18th birthday. Once sealed, a record shall not otherwise be available except as provided under section 14(b) unless the Secretary of Public Welfare, upon notice to the subjects of the report, gives his personal approval for an appropriate reason. In any case and at any time, the Secretary of Public Welfare may amend, seal or expunge any record upon good cause shown and notice to the subjects of the report. In any event, all information identifying the subjects of all "unexplained" reports shall be expunged no later than ten years after the date of the last "unexplained" report on any subject.~~

~~Section 14. Confidentiality of Records. (a) Except as provided in section 13, reports made pursuant to this act as well as any other information obtained, reports written or photographs taken concerning such reports in the possession of the Department of Public Welfare or county public child welfare agency shall be confidential and shall only be made available to:~~

~~(i) A physician who has before him a child whom he reasonably suspects may be abused.~~

~~(ii) A police officer or law enforcement official who has before him a child who he reasonably suspects may be abused.~~

~~(iii) A duly authorized official of a county public child welfare agency that has received a report of suspected child abuse.~~

~~(iv) A guardian ad litem for the child.~~

~~(b) After a child who is the subject of a report reaches the age of 18 years, access to a child's report shall be permitted only to a court and only if a sibling or offspring of such child is before such court and is a suspected victim of child abuse.~~

~~(c) At any time, a subject of a report may receive, upon request, a copy of all information contained in the central register or in any report filed pursuant to section 6. The Secretary of Public Welfare shall prohibit the release of data that would identify the person who made the report or who cooperated in a subsequent investigation, which he reasonably finds will be detrimental to the safety or interests of such person.~~

~~(d) At any time subsequent to the completion of the investigation a subject of a report may request the Secretary of Public Welfare to amend, seal or expunge the summary of the report in the central registry or the contents of any report filed pursuant to section 6. If the Secretary of Public Welfare refuses or does not act within a reasonable time, but in no event later than 30 days after such request, the subject shall have the right to a hearing to determine whether the summary in the central register or the contents of the reports should be amended or expunged on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this act. The appropriate county public child welfare agency shall be given notice of the hearing. The burden of proof in such hearing shall be on the Department of Public Welfare and appropriate county~~

~~public child welfare agency. In such hearings, the fact that there was a court finding of child abuse shall be presumptive evidence that the report was substantiated. The Secretary of Public Welfare or his designated agent is hereby authorized and empowered to make any appropriate order respecting the amendment or expungement of such records to make it accurate or consistent with the requirements of this act.~~

~~(c) Written notice of any expungement or amendment of any record, made pursuant to the provisions of this act, shall be served upon each subject of such record and the appropriate county public child welfare agency. The latter, upon receipt of such notice, shall take the appropriate similar action in regard to the local child abuse records and inform, for the same purpose, any other agency which received such record pursuant to clause (4) of section 16.~~

~~(f) Any person who wilfully permits and any person who encourages the release of any data and information contained in the central register or the child welfare records required by this act to persons or agencies not permitted by this act shall be guilty of a misdemeanor of the third degree.~~

~~(g) Nothing contained in this section shall limit the use of subpoenas lawfully issued, to obtain summaries, or reports made pursuant to this act.~~

~~Section 15. Child Protective Service Responsibilities and Organization; Local Plan. (a) Every county public child welfare agency shall establish a "child protective service" within such agency. The child protective service shall perform those functions assigned by this act to it and only such others that would further the purposes of this act. It shall have a sufficient staff of sufficient qualifications to fulfill the~~

1 ~~purposes of this act and organized in such a way as to maximize~~  
2 ~~the continuity of responsibility, care and service of individual~~  
3 ~~workers toward individual children and families. The child~~  
4 ~~protective service of the county public child welfare agency~~  
5 ~~shall be the sole agency responsible for receiving and~~  
6 ~~investigating all reports of child abuse made pursuant to this~~  
7 ~~act for the purpose of providing protective services to prevent~~  
8 ~~further abuses to children and to provide or arrange for and~~  
9 ~~monitor the provision of those services necessary to safeguard~~  
10 ~~and ensure the child's well being and development, and to~~  
11 ~~preserve and stabilize family life wherever appropriate.~~

12 ~~(b) Any other provision of law notwithstanding, but~~  
13 ~~consistent with subsection (a), the county public child welfare~~  
14 ~~agency, based upon the local plan of services as provided in~~  
15 ~~subsection (c), may purchase and utilize the services of any~~  
16 ~~appropriate public or voluntary agency.~~

17 ~~(c) No later than January 30 of every year, each county~~  
18 ~~public child welfare agency shall prepare and submit to the~~  
19 ~~Department of Public Welfare after consultation with local law~~  
20 ~~enforcement agencies, the court and appropriate public or~~  
21 ~~voluntary agencies and after a public hearing, a local plan for~~  
22 ~~the provision of child protective services which shall describe~~  
23 ~~the implementation of this act including the organization,~~  
24 ~~staffing, mode of operations and financing of the child~~  
25 ~~protective service as well as the provisions made for purchase~~  
26 ~~of service and inter agency relations. The local plan may take~~  
27 ~~effect immediately. Within 30 days the Department of Public~~  
28 ~~Welfare shall certify whether or not the local plan fulfills the~~  
29 ~~purposes of and meets the requirements set forth in this act. If~~  
30 ~~the department certifies that the local plan does not do so, the~~

1 ~~department shall state the reasons therefor and may withhold~~  
2 ~~State reimbursement for all or part of the activities of the~~  
3 ~~agency.~~

4 ~~Section 16. Duties of the Child Protective Service~~  
5 ~~Concerning Reports of Abuse. Each child protective service~~  
6 ~~shall:~~

7 ~~(1) Receive on a 24 hour, seven day a week basis all reports~~  
8 ~~of suspected child abuse in accordance with this act, the local~~  
9 ~~plan for the provision of child protective services and the~~  
10 ~~regulations of the Department of Public Welfare.~~

11 ~~(2) Maintain and keep up to date a local child abuse~~  
12 ~~register of all cases reported under this act together with any~~  
13 ~~additional information obtained and a record of the final~~  
14 ~~disposition of the report, including services offered and~~  
15 ~~accepted.~~

16 ~~(3) Upon the receipt of each written report made pursuant to~~  
17 ~~this act, transmit, forthwith, a summary thereof as set forth in~~  
18 ~~section 13(c) to the central register of child abuse. Follow up~~  
19 ~~reports shall be made at regular intervals thereafter in a~~  
20 ~~manner and form prescribed by the Department of Public Welfare~~  
21 ~~by regulation to the end that the central register is kept fully~~  
22 ~~informed and up to date concerning the status of reports.~~

23 ~~Written reports from an investigation conducted pursuant to this~~  
24 ~~section shall be the product of and shall be signed by two or~~  
25 ~~more child protective services workers.~~

26 ~~(4) Give telephone notice and forward immediately a copy of~~  
27 ~~reports made pursuant to this act which involve the death of a~~  
28 ~~child to the appropriate district attorney.~~

29 ~~(5) Upon receipt of such report, commence within 24 hours,~~  
30 ~~an appropriate investigation which shall include an evaluation~~

~~of the environment of the child named in the report and any other children in the same home and a determination of the risk to such children if they continue to remain in the existing home environment, as well as a determination of the nature, extent, and cause of any condition enumerated in such report, the name, age and condition of other children in the home, and, after seeing to the safety of the child or children, forthwith notify the subjects of the report in writing, of the existence of the report and their rights pursuant to this act in regard to amendment or expungement.~~

~~(6) Determine, within 30 days, whether the report is "founded," "unexplained," or "unfounded."~~

~~(7) Take a child into protective custody to protect him from further abuse when appropriate subject to the provisions of section 8. No child protective services worker shall enter the home of any individual for this purpose without judicial authorization issued upon a showing of probable cause that the child is in immediate danger of further abuse, as defined in this act.~~

~~(8) Based on the investigation and evaluation conducted pursuant to this act, provide or contract with private or public agencies for the protection of the child in his home whenever possible, and/or those services necessary for adequate care of the child when placed in protective custody. Prior to offering such services to a family, explain that it has no legal authority to compel such family to receive said services, but may inform the family of the obligations and authority of the county public child welfare agency to initiate appropriate court proceedings.~~

~~(9) In those cases in which an appropriate offer of service~~

~~is refused and the child protective service determines or if the service for any other appropriate reason determines that the best interests of the child require court action, initiate the appropriate court proceeding or make a referral to the appropriate district attorney, or both.~~

~~(10) Assist the court during all stages of the court proceeding in accordance with the purposes of this act.~~

~~(11) Provide or arrange for and monitor rehabilitative services for children and their families on a voluntary basis or under a final or intermediate order of the court.~~

~~Section 17. Cooperation of Other Agencies. The Secretary of Public Welfare may request and shall receive from departments, boards, bureaus, or other agencies of the Commonwealth, or any of its political subdivisions, or any duly authorized agency, or any other agency providing services under the local child protective services plan such assistance and data as will enable the Department of Public Welfare and county public child welfare agency to fulfill their responsibilities properly.~~

~~Section 18. Annual Reports. No later than April 15 of every year, the Secretary of Public Welfare shall prepare and transmit to the Governor and the General Assembly a report on the operations of the central register of child abuse and the various county public child welfare agencies. The report shall include a full statistical analysis of the reports made to the central register together with a report on the implementation of this act and its total cost to the Commonwealth, his evaluation of services offered under this act and his recommendations for repeal or for additional legislation to fulfill the purposes of this act. All such recommendations should contain an estimate of increased or decreased costs resulting therefrom.~~

~~Section 19. Regulations. The Department of Public Welfare shall adopt regulations necessary to implement this act.~~

~~Section 20. Hearings and Evidence. In addition to the rules of evidence provided under the Juvenile Act the following shall govern in child abuse proceedings in juvenile or family court:~~

~~(a) Whenever any person required to report under this act is unavailable due to death or removal from the court's jurisdiction, the written report of such person shall be admissible in evidence in any proceedings arising out of child abuse other than proceedings under the Crimes Code. Summaries of reports pursuant to subsection (a) of section 13 shall also be admissible in evidence in any proceeding arising out of child abuse other than under the Crimes Code. Any hearsay contained in the reports or summaries shall be given such weight, if any, as the court shall determine to be appropriate under all of the circumstances. However, any hearsay contained in a written report or summary shall not of itself be sufficient to support an adjudication based on abuse.~~

~~(b) Except for privileged communications between a lawyer and his client and between a minister and his penitent, any privilege of confidential communication between husband and wife or between any professional person, including but not limited to physicians, psychologists, counselors, employees of hospitals, clinics, day care centers, and schools and their patients or clients, shall not constitute grounds for excluding evidence at any proceeding regarding child abuse or the cause thereof.~~

~~(c) Evidence that a child has suffered gross physical neglect, sexual abuse or grave physical injury of such a nature as would ordinarily not be sustained or exist except by reason of the acts or omissions of the parent or other person~~



1 ~~responsible for the welfare of such child shall be prima facie~~  
2 ~~evidence of child abuse by the parent or other person~~  
3 ~~responsible for the child's welfare.~~

4 ~~Section 21. The Guardian Ad Litem. The court, when a~~  
5 ~~proceeding has been filed arising out of child abuse, shall~~  
6 ~~appoint a guardian ad litem for the child who shall be an~~  
7 ~~attorney at law. The guardian shall be given access to all~~  
8 ~~reports relevant to the case and to any reports of examination~~  
9 ~~of the child's parents or other custodian pursuant to this act.~~  
10 ~~The guardian ad litem shall be charged with the representation~~  
11 ~~of the child's best interests at every stage of the proceeding~~  
12 ~~and shall make such further investigation necessary to ascertain~~  
13 ~~the facts, interview witnesses, examine and cross examine~~  
14 ~~witnesses, make recommendations to the court and participate~~  
15 ~~further in the proceedings to the degree appropriate for~~  
16 ~~adequately representing the child.~~

17 ~~Section 22. Repeals. The act of August 14, 1967 (P.L.239,~~  
18 ~~No.91), entitled "An act relating to gross physical neglect of,~~  
19 ~~or injury to, children under eighteen years of age; requiring~~  
20 ~~reports in such cases by examining physicians or heads of~~  
21 ~~institutions to county public child welfare agencies; imposing~~  
22 ~~powers and duties on county public child welfare agencies based~~  
23 ~~on such reports; and providing penalties," is repealed~~  
24 ~~absolutely; all other acts and parts of acts, general, local and~~  
25 ~~special, are repealed in so far as they are inconsistent~~  
26 ~~herewith.~~

27 ~~Section 23. Effective Date. This act shall take effect 60~~  
28 ~~days after enactment.~~

29 ~~SECTION 1. SHORT TITLE.--THIS ACT SHALL BE KNOWN AND MAY BE~~ <—  
30 ~~CITED AS THE "CHILD PROTECTIVE SERVICES LAW."~~

1       SECTION 2.   FINDINGS AND PURPOSE.--ABUSED CHILDREN ARE IN  
2 URGENT NEED OF AN EFFECTIVE CHILD PROTECTIVE SERVICE TO PREVENT  
3 THEM FROM SUFFERING FURTHER INJURY AND IMPAIRMENT. IT IS THE  
4 PURPOSE OF THIS ACT TO ENCOURAGE MORE COMPLETE REPORTING OF  
5 SUSPECTED CHILD ABUSE AND TO ESTABLISH IN EACH COUNTY A CHILD  
6 PROTECTIVE SERVICE CAPABLE OF INVESTIGATING SUCH REPORTS SWIFTLY  
7 AND COMPETENTLY, PROVIDING PROTECTION FOR CHILDREN FROM FURTHER  
8 ABUSE AND PROVIDING REHABILITATIVE SERVICES FOR CHILDREN AND  
9 PARENTS INVOLVED SO AS TO ENSURE THE CHILD'S WELL-BEING AND TO  
10 PRESERVE AND STABILIZE FAMILY LIFE WHEREVER APPROPRIATE.

11       SECTION 3.   DEFINITIONS.--AS USED IN THIS ACT:

12       "ABUSED CHILD" MEANS A CHILD UNDER 18 YEARS OF AGE WHO  
13 EXHIBITS EVIDENCE OF SERIOUS PHYSICAL OR MENTAL INJURY NOT  
14 EXPLAINED BY THE AVAILABLE MEDICAL HISTORY AS BEING ACCIDENTAL,  
15 SEXUAL ABUSE, OR SERIOUS PHYSICAL NEGLECT, IF THE INJURY, ABUSE  
16 OR NEGLECT HAS BEEN CAUSED BY THE ACTS OR OMISSIONS OF THE  
17 CHILD'S PARENTS OR BY A PERSON RESPONSIBLE FOR THE CHILD'S  
18 WELFARE PROVIDED, HOWEVER, NO CHILD SHALL BE DEEMED TO BE  
19 PHYSICALLY OR MENTALLY ABUSED FOR THE SOLE REASON HE IS IN GOOD  
20 FAITH BEING FURNISHED TREATMENT BY SPIRITUAL MEANS THROUGH  
21 PRAYER ALONE IN ACCORDANCE WITH THE TENETS AND PRACTICES OF A  
22 RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION BY A DULY ACCREDITED  
23 PRACTITIONER THEREOF OR SOLELY ON THE GROUNDS OF ENVIRONMENTAL <—  
24 FACTORS WHICH ARE BEYOND THE CONTROL OF THE PERSON RESPONSIBLE  
25 FOR THE CHILD'S WELFARE SUCH AS INADEQUATE HOUSING, FURNISHINGS,  
26 INCOME, CLOTHING AND MEDICAL CARE.

27       "CHILD PROTECTIVE SERVICE" MEANS THAT SECTION OF EACH COUNTY  
28 PUBLIC CHILD WELFARE AGENCY REQUIRED TO BE ESTABLISHED BY  
29 SECTION 16.

30       "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC WELFARE OF THE

1 COMMONWEALTH OF PENNSYLVANIA.

2 "EXPUNGE" MEANS TO STRIKE OUT OR OBLITERATE ENTIRELY SO THAT  
3 THE EXPUNGED INFORMATION MAY NOT BE STORED, IDENTIFIED, OR LATER  
4 RECOVERED BY ANY MEANS MECHANICAL, ELECTRONIC, OR OTHERWISE.

5 "FOUNDED REPORT" MEANS A REPORT MADE PURSUANT TO THIS ACT IF  
6 THERE HAS BEEN ANY JUDICIAL ADJUDICATION BASED ON A FINDING THAT  
7 A CHILD WHO IS A SUBJECT OF THE REPORT HAS BEEN ABUSED.

8 "INDICATED REPORT" MEANS A REPORT MADE PURSUANT TO THIS ACT  
9 IF AN INVESTIGATION BY THE CHILD PROTECTIVE SERVICE DETERMINES  
10 THAT SUBSTANTIAL EVIDENCE OF THE ALLEGED ABUSE EXISTS BASED ON  
11 (I) AVAILABLE MEDICAL EVIDENCE AND THE CHILD PROTECTIVE SERVICE  
12 INVESTIGATION OR (II) AN ADMISSION OF THE ACTS OF ABUSE BY THE  
13 CHILD'S PARENT OR PERSON RESPONSIBLE FOR THE CHILD'S WELFARE.

14 "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF PUBLIC  
15 WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA.

16 "SUBJECT OF THE REPORT" MEANS ANY CHILD REPORTED TO THE  
17 CENTRAL REGISTER OF CHILD ABUSE AND HIS PARENT, GUARDIAN OR  
18 OTHER PERSON LEGALLY RESPONSIBLE ALSO NAMED IN THE REPORT.

19 "UNDER INVESTIGATION" MEANS A REPORT PURSUANT TO THIS ACT  
20 WHICH IS BEING INVESTIGATED TO DETERMINE WHETHER IT IS  
21 "FOUNDED," "INDICATED," OR "UNFOUNDED."

22 "UNFOUNDED REPORT" MEANS ANY REPORT MADE PURSUANT TO THIS ACT  
23 UNLESS THE REPORT IS A "FOUNDED REPORT" OR UNLESS AN  
24 INVESTIGATION BY THE APPROPRIATE CHILD PROTECTIVE SERVICE  
25 DETERMINES THAT THE REPORT IS AN "INDICATED REPORT."

26 SECTION 4. PERSONS REQUIRED TO REPORT SUSPECTED CHILD  
27 ABUSE.--(A) ANY PERSONS WHO, IN THE COURSE OF THEIR EMPLOYMENT,  
28 OCCUPATION, OR PRACTICE OF THEIR PROFESSION COME INTO CONTACT  
29 WITH CHILDREN SHALL REPORT OR CAUSE A REPORT TO BE MADE IN  
30 ACCORDANCE WITH SECTION 6 WHEN THEY HAVE REASON TO BELIEVE, ON

1 THE BASIS OF THEIR MEDICAL, PROFESSIONAL OR OTHER TRAINING AND  
2 EXPERIENCE, THAT A CHILD COMING BEFORE THEM IN THEIR  
3 PROFESSIONAL OR OFFICIAL CAPACITY IS AN ABUSED CHILD.

4 (B) WHENEVER ANY PERSON IS REQUIRED TO REPORT UNDER  
5 SUBSECTION ~~(D)~~ (C) IN HIS CAPACITY AS A MEMBER OF THE STAFF OF A <—  
6 MEDICAL OR OTHER PUBLIC OR PRIVATE INSTITUTION, SCHOOL,  
7 FACILITY, OR AGENCY, HE SHALL IMMEDIATELY NOTIFY THE PERSON IN  
8 CHARGE OF SUCH INSTITUTION, SCHOOL, FACILITY OR AGENCY, OR THE  
9 DESIGNATED AGENT OF THE PERSON IN CHARGE. UPON NOTIFICATION,  
10 SUCH PERSON IN CHARGE OR HIS DESIGNATED AGENT, IF ANY, SHALL  
11 ASSUME THE RESPONSIBILITY AND HAVE THE LEGAL OBLIGATION TO  
12 REPORT OR CAUSE A REPORT TO BE MADE IN ACCORDANCE WITH SECTION  
13 6. NOTHING IN THIS ACT IS INTENDED TO REQUIRE MORE THAN ONE  
14 REPORT FROM ANY SUCH INSTITUTION, SCHOOL OR AGENCY.

15 (C) PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE UNDER  
16 SUBSECTION (A) INCLUDE, BUT ARE NOT LIMITED TO, ANY LICENSED  
17 PHYSICIAN, MEDICAL EXAMINER, CORONER, DENTIST, OSTEOPATH,  
18 OPTOMETRIST, CHIROPRACTOR, PODIATRIST, INTERN, REGISTERED NURSE,  
19 LICENSED PRACTICAL NURSE, HOSPITAL PERSONNEL ENGAGED IN THE  
20 ADMISSION, EXAMINATION, CARE OR TREATMENT OF PERSONS, A  
21 CHRISTIAN SCIENCE PRACTITIONER, SCHOOL ADMINISTRATOR, SCHOOL  
22 TEACHER, SCHOOL NURSE, SOCIAL SERVICES WORKER, DAY CARE CENTER  
23 WORKER OR ANY OTHER CHILD CARE OR FOSTER CARE WORKER, MENTAL  
24 HEALTH PROFESSIONAL, PEACE OFFICER OR LAW ENFORCEMENT OFFICIAL.

25 SECTION 5. ANY PERSON PERMITTED TO REPORT.--IN ADDITION TO  
26 THOSE PERSONS AND OFFICIALS REQUIRED TO REPORT SUSPECTED CHILD  
27 ABUSE, ANY PERSON MAY MAKE SUCH A REPORT IF THAT PERSON HAS  
28 REASONABLE CAUSE TO SUSPECT THAT A CHILD IS AN ABUSED CHILD.

29 SECTION 6. REPORTING PROCEDURE.--(A) REPORTS OF SUSPECTED  
30 CHILD ABUSE FROM PERSONS REQUIRED TO REPORT UNDER SECTION 4

1 SHALL BE MADE IMMEDIATELY BY TELEPHONE AND IN WRITING WITHIN 48  
2 HOURS AFTER THE ORAL REPORT. ORAL REPORTS SHALL BE MADE TO THE  
3 DEPARTMENT PURSUANT TO SECTION 14 AND MAY BE MADE TO THE  
4 APPROPRIATE CHILD PROTECTIVE SERVICE.

5 (B) WHEN ORAL REPORTS ARE MADE INITIALLY TO THE CHILD  
6 PROTECTIVE SERVICE, THE CHILD PROTECTIVE SERVICE SHALL  
7 IMMEDIATELY PREPARE A CHILD ABUSE REPORT SUMMARY IN SUCH FORM AS  
8 SHALL BE PRESCRIBED BY THE DEPARTMENT BY REGULATION AND SHALL  
9 IMMEDIATELY FORWARD SUCH REPORT SUMMARY TO THE DEPARTMENT TO BE  
10 HELD IN THE PENDING COMPLAINT FILE AS PROVIDED IN SECTION 14.  
11 THE INITIAL CHILD ABUSE REPORT SUMMARY SHALL BE SUPPLEMENTED AS  
12 MORE FACTS BECOME AVAILABLE, AS THE WRITTEN REPORT IS RECEIVED  
13 AND WHEN A DETERMINATION IS MADE AS TO WHETHER A REPORT OF  
14 SUSPECTED CHILD ABUSE IS A FOUNDED REPORT, AN UNFOUNDED REPORT  
15 OR AN INDICATED REPORT.

16 (C) WRITTEN REPORTS FROM PERSONS REQUIRED TO REPORT UNDER  
17 SECTION 4 SHALL BE MADE TO THE APPROPRIATE CHILD PROTECTIVE  
18 SERVICE IN A MANNER AND ON FORMS PRESCRIBED BY THE DEPARTMENT BY  
19 REGULATION. SUCH WRITTEN REPORTS SHALL INCLUDE THE FOLLOWING  
20 INFORMATION, IF AVAILABLE: THE NAMES AND ADDRESSES OF THE CHILD  
21 AND HIS PARENTS OR OTHER PERSON RESPONSIBLE FOR HIS CARE, IF  
22 KNOWN; THE CHILD'S AGE, AND SEX; THE NATURE AND EXTENT OF THE  
23 SUSPECTED CHILD ABUSE, INCLUDING ANY EVIDENCE OF PRIOR ABUSE TO  
24 THE CHILD OR HIS SIBLINGS; THE NAME OF THE PERSON OR PERSONS  
25 RESPONSIBLE FOR CAUSING THE SUSPECTED ABUSE, IF KNOWN; FAMILY  
26 COMPOSITION; THE SOURCE OF THE REPORT; THE PERSON MAKING THE  
27 REPORT AND WHERE HE CAN BE REACHED; THE ACTIONS TAKEN BY THE  
28 REPORTING SOURCE, INCLUDING THE TAKING OF PHOTOGRAPHS AND X-  
29 RAYS, REMOVAL OR KEEPING OF THE CHILD OR NOTIFYING THE MEDICAL  
30 EXAMINER OR CORONER; ANY ANY OTHER INFORMATION WHICH THE

1 DEPARTMENT MAY, BY REGULATION, REQUIRE.

2 (D) THE FAILURE OF ANY PERSON REPORTING CASES OF SUSPECTED  
3 CHILD ABUSE TO CONFIRM AN ORAL REPORT IN WRITING WITHIN 48 HOURS  
4 SHALL IN NO WAY RELIEVE THE CHILD PROTECTIVE SERVICE FROM ANY  
5 DUTIES PRESCRIBED BY THIS ACT. IN SUCH EVENT, THE CHILD  
6 PROTECTIVE SERVICE SHALL PROCEED AS IF A WRITTEN REPORT WERE  
7 ACTUALLY MADE.

8 SECTION 7. OBLIGATIONS OF PERSONS REQUIRED TO REPORT.--ANY  
9 PERSON OR OFFICIAL REQUIRED TO REPORT CASES OF SUSPECTED CHILD  
10 ABUSE MAY TAKE OR CAUSE TO BE TAKEN PHOTOGRAPHS OF THE AREAS OF  
11 TRAUMA VISIBLE ON A CHILD WHO IS SUBJECT TO A REPORT AND, IF  
12 MEDICALLY INDICATED, CAUSE TO BE PERFORMED A RADIOLOGICAL  
13 EXAMINATION ON THE CHILD. ANY PHOTOGRAPHS OR X-RAYS TAKEN SHALL  
14 BE SENT TO THE CHILD PROTECTIVE SERVICE AT THE TIME THE WRITTEN  
15 REPORT IS SENT, OR AS SOON THEREAFTER AS POSSIBLE.

16 SECTION 8. TAKING A CHILD INTO PROTECTIVE CUSTODY.--(A) A  
17 CHILD MAY BE TAKEN INTO CUSTODY:

18 (1) AS PROVIDED BY SECTION 11 OF THE ACT OF DECEMBER 6, 1972  
19 (P.L.1464, NO.333), KNOWN AS THE "JUVENILE ACT."

20 (2) BY A PHYSICIAN EXAMINING OR TREATING THE CHILD OR BY THE  
21 DIRECTOR, OR A PERSON SPECIFICALLY DESIGNATED IN WRITING BY SUCH  
22 DIRECTOR, OF ANY HOSPITAL OR OTHER MEDICAL INSTITUTION WHERE THE  
23 CHILD IS BEING TREATED, IF SUCH PROTECTIVE CUSTODY IS  
24 IMMEDIATELY NECESSARY TO PROTECT THE CHILD FROM FURTHER SERIOUS  
25 PHYSICAL INJURY, SEXUAL ABUSE OR SERIOUS PHYSICAL NEGLECT;  
26 PROVIDED THAT NO CHILD SHALL BE HELD IN SUCH CUSTODY FOR MORE  
27 THAN 24 HOURS UNLESS THE APPROPRIATE CHILD PROTECTIVE SERVICE IS  
28 IMMEDIATELY NOTIFIED THAT THE CHILD HAS BEEN TAKEN INTO CUSTODY  
29 AND THE CHILD PROTECTIVE SERVICE OBTAINS AN ORDER FROM A COURT  
30 OF COMPETENT JURISDICTION PERMITTING THE CHILD TO BE HELD IN

1 CUSTODY FOR A LONGER PERIOD. THE COURTS OF COMMON PLEAS OF EACH  
2 JUDICIAL DISTRICT SHALL INSURE THAT A JUDGE IS AVAILABLE ON A 24  
3 HOUR A DAY, 365 DAYS A YEAR BASIS TO ACCEPT AND DECIDE SUCH  
4 ACTIONS BROUGHT BY A CHILD PROTECTIVE SERVICE UNDER THIS  
5 SUBSECTION WITHIN SUCH 24-HOUR PERIOD.

6 (B) ANY INDIVIDUAL TAKING A CHILD INTO PROTECTIVE CUSTODY  
7 UNDER THIS ACT SHALL IMMEDIATELY AND WITHIN 24 HOURS IN WRITING,  
8 NOTIFY THE CHILD'S PARENT, GUARDIAN OR OTHER CUSTODIAN OF THE  
9 CHILD'S WHEREABOUTS, THE REASONS FOR THE NEED TO TAKE THE CHILD  
10 INTO PROTECTIVE CUSTODY, AND SHALL IMMEDIATELY NOTIFY THE  
11 APPROPRIATE CHILD PROTECTIVE SERVICE IN ORDER THAT PROCEEDINGS  
12 UNDER THE JUVENILE ACT MAY BE INITIATED, IF APPROPRIATE.

13 (C) IN NO CASE SHALL PROTECTIVE CUSTODY UNDER THIS ACT BE  
14 MAINTAINED LONGER THAN 72 HOURS WITHOUT A DETENTION HEARING. IF  
15 AT THE DETENTION HEARING IT IS DETERMINED THAT PROTECTIVE  
16 CUSTODY SHALL BE CONTINUED, THE CHILD PROTECTIVE SERVICES AGENCY  
17 SHALL, WITHIN 48 HOURS FILE A PETITION WITH THE COURT UNDER THE  
18 JUVENILE ACT.

19 (D) NO CHILD TAKEN INTO PROTECTIVE CUSTODY UNDER THIS ACT  
20 SHALL BE DETAINED DURING SUCH PROTECTIVE CUSTODY EXCEPT IN AN  
21 APPROPRIATE MEDICAL FACILITY, FOSTER HOME OR OTHER APPROPRIATE  
22 FACILITY APPROVED BY THE DEPARTMENT FOR THIS PURPOSE.

23 (E) A CONFERENCE BETWEEN THE PARENT, GUARDIAN OR OTHER  
24 CUSTODIAN OF THE CHILD TAKEN INTO TEMPORARY PROTECTIVE CUSTODY  
25 PURSUANT TO THIS SECTION AND THE CASE WORKER DESIGNATED BY THE  
26 CHILD PROTECTION SERVICE TO BE RESPONSIBLE FOR SUCH CHILD SHALL  
27 BE HELD WITHIN 48 HOURS OF THE TIME THAT THE CHILD IS TAKEN INTO  
28 SUCH CUSTODY FOR THE PURPOSE OF (I) EXPLAINING TO SUCH PARENT,  
29 GUARDIAN OR OTHER CUSTODIAN THE REASONS FOR THE TEMPORARY  
30 DETENTION OF THE CHILD AND THE WHEREABOUTS OF THE CHILD, AND

1 (II) TO EXPEDITE, WHEREVER POSSIBLE, THE RETURN OF THE CHILD TO  
2 THE CUSTODY OF SUCH PARENT, GUARDIAN OR OTHER CUSTODIAN WHERE  
3 SUCH CUSTODY IS NO LONGER NECESSARY.

4 SECTION 9. ADMISSION TO PRIVATE AND PUBLIC HOSPITALS.--(A)  
5 CHILDREN APPEARING TO SUFFER ANY PHYSICAL OR MENTAL TRAUMA WHICH  
6 MAY CONSTITUTE CHILD ABUSE, SHALL BE ADMITTED TO AND TREATED IN  
7 APPROPRIATE FACILITIES OF PRIVATE AND PUBLIC HOSPITALS ON THE  
8 BASIS OF MEDICAL NEED AND SHALL NOT BE REFUSED OR DEPRIVED IN  
9 ANY WAY OF PROPER MEDICAL TREATMENT AND CARE.

10 (B) THE FAILURE OF ANY SUCH HOSPITAL TO ADMIT AND PROPERLY  
11 TREAT AND CARE FOR A CHILD PURSUANT TO SUBSECTION (A) SHALL BE  
12 CAUSE FOR THE DEPARTMENT TO ORDER IMMEDIATE ADMITTANCE,  
13 TREATMENT, AND CARE BY THE HOSPITAL, WHICH SHALL BE ENFORCEABLE,  
14 IF NECESSARY, BY THE PROMPT INSTITUTION OF AN EQUITY ACTION BY  
15 THE DEPARTMENT. IN ADDITION THE CHILD, THROUGH HIS ATTORNEY,  
16 SHALL, INDEPENDENT OF THE ABOVE, HAVE A RIGHT TO SEEK IMMEDIATE  
17 INJUNCTIVE RELIEF AND INSTITUTE AN APPROPRIATE CIVIL ACTION FOR  
18 DAMAGES AGAINST THE HOSPITAL.

19 SECTION 10. MANDATORY REPORTING AND POSTMORTEM INVESTIGATION  
20 OF DEATHS.--ANY PERSON OR OFFICIAL REQUIRED TO REPORT CASES OF  
21 SUSPECTED CHILD ABUSE, INCLUDING EMPLOYEES OF A COUNTY PUBLIC  
22 CHILD WELFARE AGENCY, AND ITS CHILD PROTECTIVE SERVICE, WHO HAS  
23 REASONABLE CAUSE TO SUSPECT THAT A CHILD DIED AS A RESULT OF  
24 CHILD ABUSE SHALL REPORT THAT FACT TO THE CORONER. THE CORONER  
25 SHALL ACCEPT THE REPORT FOR INVESTIGATION AND SHALL REPORT HIS  
26 FINDING TO THE POLICE, THE DISTRICT ATTORNEY, THE APPROPRIATE  
27 CHILD PROTECTIVE SERVICE AND, IF THE REPORT IS MADE BY A  
28 HOSPITAL, THE HOSPITAL.

29 SECTION 11. IMMUNITY FROM LIABILITY.--ANY PERSON, HOSPITAL,  
30 INSTITUTION, SCHOOL, FACILITY OR AGENCY PARTICIPATING IN GOOD

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1 FAITH IN THE MAKING OF A REPORT OR TESTIFYING IN ANY PROCEEDING  
2 ARISING OUT OF AN INSTANCE OF SUSPECTED CHILD ABUSE, THE TAKING  
3 OF PHOTOGRAPHS, OR THE REMOVAL OR KEEPING OF A CHILD PURSUANT TO  
4 SECTION 8, SHALL HAVE IMMUNITY FROM ANY LIABILITY, CIVIL OR  
5 CRIMINAL, THAT MIGHT OTHERWISE RESULT BY REASON OF SUCH ACTIONS.  
6 FOR THE PURPOSE OF ANY PROCEEDING, CIVIL OR CRIMINAL, THE GOOD  
7 FAITH OF ANY PERSON REQUIRED TO REPORT CASES OF CHILD ABUSE  
8 PURSUANT TO SECTION 4 SHALL BE PRESUMED.

9 SECTION 12. PENALTIES FOR FAILURE TO REPORT.--ANY PERSON OR  
10 OFFICIAL REQUIRED BY THIS ACT TO REPORT A CASE OF SUSPECTED  
11 CHILD ABUSE WHO WILFULLY FAILS TO DO SO SHALL BE GUILTY OF A  
12 SUMMARY OFFENSE, EXCEPT THAT FOR A SECOND OR SUBSEQUENT OFFENSE  
13 SHALL BE GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE.

14 SECTION 13. EDUCATION AND TRAINING.--THE DEPARTMENT AND EACH  
15 CHILD PROTECTIVE SERVICE, BOTH JOINTLY AND INDIVIDUALLY, SHALL  
16 CONDUCT A CONTINUING PUBLICITY AND EDUCATION PROGRAM FOR THE  
17 CITIZENS OF THE COMMONWEALTH AIMED AT THE PREVENTION OF CHILD  
18 ABUSE, THE IDENTIFICATION OF ABUSED CHILDREN, AND THE PROVISION  
19 OF NECESSARY AMELIORATIVE SERVICES TO ABUSED CHILDREN AND THEIR  
20 FAMILIES. IN ADDITION, THE DEPARTMENT AND EACH CHILD PROTECTIVE  
21 SERVICE SHALL CONDUCT AN ONGOING TRAINING AND EDUCATION PROGRAM  
22 FOR LOCAL STAFF, PERSONS REQUIRED TO REPORT, AND OTHER  
23 APPROPRIATE PERSONS IN ORDER TO FAMILIARIZE SUCH PERSONS WITH  
24 THE REPORTING AND INVESTIGATIVE PROCEDURES FOR CASES OF  
25 SUSPECTED CHILD ABUSE AND THE REHABILITATIVE SERVICES THAT ARE  
26 AVAILABLE TO CHILDREN AND FAMILIES.

27 SECTION 14. RECORD KEEPING DUTIES OF THE DEPARTMENT.--(A)  
28 THERE SHALL BE ESTABLISHED IN THE DEPARTMENT (I) A PENDING  
29 COMPLAINT FILE OF CHILD ABUSE REPORTS UNDER INVESTIGATION AND  
30 (II) A STATEWIDE CENTRAL REGISTER OF CHILD ABUSE, WHICH SHALL

1 CONSIST OF FOUNDED AND INDICATED REPORTS OF CHILD ABUSE.

2 (B) THE DEPARTMENT SHALL BE CAPABLE OF RECEIVING ORAL  
3 REPORTS OF CHILD ABUSE MADE PURSUANT TO THIS ACT AND REPORT  
4 SUMMARIES OF CHILD ABUSE FROM CHILD PROTECTIVE SERVICES AND  
5 SHALL BE CAPABLE OF IMMEDIATELY IDENTIFYING PRIOR REPORTS OF  
6 CHILD ABUSE IN THE STATEWIDE CENTRAL REGISTER AND OF MONITORING  
7 THE PROVISION OF CHILD PROTECTIVE SERVICES 24 HOURS A DAY, SEVEN  
8 DAYS A WEEK.

9 (C) THE DEPARTMENT SHALL ESTABLISH A SINGLE STATEWIDE TOLL-  
10 FREE TELEPHONE NUMBER THAT ALL PERSONS, WHETHER MANDATED BY LAW  
11 OR NOT, MAY USE TO REPORT CASES OF SUSPECTED CHILD ABUSE. A  
12 CHILD PROTECTIVE SERVICE MAY USE THE STATEWIDE TOLL-FREE  
13 TELEPHONE NUMBER FOR DETERMINING THE EXISTENCE OF PRIOR FOUNDED  
14 OR INDICATED REPORTS OF CHILD ABUSE IN THE STATEWIDE CENTRAL  
15 REGISTER. A CHILD PROTECTIVE SERVICE MAY ONLY REQUEST AND  
16 RECEIVE INFORMATION PURSUANT TO THIS SUBSECTION EITHER ON ITS  
17 OWN BEHALF BECAUSE IT HAS BEFORE IT A CHILD SUSPECTED OF BEING  
18 AN ABUSED CHILD OR ON BEHALF OF A PHYSICIAN EXAMINING OR  
19 TREATING A CHILD OR ON BEHALF OF THE DIRECTOR OR A PERSON  
20 SPECIFICALLY DESIGNATED IN WRITING BY SUCH DIRECTOR OF ANY  
21 HOSPITAL OR OTHER MEDICAL INSTITUTION WHERE A CHILD IS BEING  
22 TREATED, WHERE THE PHYSICIAN OR THE DIRECTOR OR A PERSON  
23 SPECIFICALLY DESIGNATED IN WRITING BY SUCH DIRECTOR SUSPECTS THE  
24 CHILD OF BEING AN ABUSED CHILD.

25 (D) EXCEPT AS PROVIDED IN SUBSECTIONS (F) AND (M), NO  
26 INFORMATION SHALL BE RELEASED FROM THE STATEWIDE CENTRAL  
27 REGISTER UNLESS PURSUANT TO SUBSECTION (C) AND UNLESS THE  
28 DEPARTMENT HAS POSITIVELY IDENTIFIED THE REPRESENTATIVE OF THE  
29 CHILD PROTECTIVE SERVICE REQUESTING THE INFORMATION AND THE  
30 DEPARTMENT HAS INQUIRED INTO AND IS SATISFIED THAT SUCH PERSON

1 HAS A LEGITIMATE NEED, WITHIN THE SCOPE OF HIS OFFICIAL DUTIES  
2 AND THE PROVISIONS OF SUBSECTION (C), TO OBTAIN INFORMATION FROM  
3 THE STATEWIDE CENTRAL REGISTER. INFORMATION IN THE STATEWIDE  
4 CENTRAL REGISTER SHALL NOT BE RELEASED FOR ANY PURPOSE OR TO ANY  
5 INDIVIDUAL NOT SPECIFIED IN THIS SECTION.

6 (E) EXCEPT AS PROVIDED IN SUBSECTIONS (F) AND (M), PERSONS  
7 RECEIVING INFORMATION FROM THE STATEWIDE CENTRAL REGISTER MAY BE  
8 INFORMED ONLY AS TO WHETHER A PRIOR FOUNDED OR INDICATED REPORT  
9 EXISTS, THE NUMBER OF SUCH REPORTS, THE NATURE AND EXTENT OF THE  
10 ALLEGED INSTANCES OF SUSPECTED CHILD ABUSE, AND WHETHER THE  
11 REPORTS ARE FOUNDED REPORTS OR INDICATED REPORTS.

12 (F) UPON RECEIPT OF A COMPLAINT OF SUSPECTED CHILD ABUSE THE  
13 DEPARTMENT SHALL FORTHWITH TRANSMIT IN WRITING (AND ORALLY, IF  
14 SUCH IS DEEMED ADVISABLE) TO THE APPROPRIATE CHILD PROTECTIVE  
15 SERVICE NOTICE THAT SUCH COMPLAINT OF SUSPECTED CHILD ABUSE HAS  
16 BEEN RECEIVED AND THE SUBSTANCE OF THAT COMPLAINT. IF THE  
17 STATEWIDE CENTRAL REGISTER CONTAINS INFORMATION INDICATING A  
18 PREVIOUS FOUNDED OR INDICATED REPORT CONCERNING A SUBJECT OF  
19 SUCH REPORT, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE  
20 APPROPRIATE CHILD PROTECTIVE SERVICE OF THIS FACT. NO  
21 INFORMATION OTHER THAN THAT PERMITTED IN SUBSECTION (I) SHALL BE  
22 RETAINED IN THE STATEWIDE CENTRAL REGISTER, THE PENDING  
23 COMPLAINT FILE OR OTHERWISE BY THE DEPARTMENT.

24 (G) UPON RECEIPT OF A COMPLAINT OF SUSPECTED CHILD ABUSE,  
25 THE DEPARTMENT SHALL MAINTAIN A RECORD OF THE COMPLAINT OF  
26 SUSPECTED CHILD ABUSE IN THE PENDING COMPLAINT FILE. NO  
27 INFORMATION OTHER THAN THAT PERMITTED TO BE RETAINED IN THE  
28 STATEWIDE CENTRAL REGISTER IN SUBSECTION (I) SHALL BE RETAINED  
29 IN THE PENDING COMPLAINT FILE. EXCEPT AS PROVIDED IN SUBSECTION  
30 (M), NO PERSON, OTHER THAN AN EMPLOYEE OF THE DEPARTMENT IN THE

1 COURSE OF HIS OFFICIAL DUTIES IN CONNECTION WITH THE  
2 DEPARTMENT'S RESPONSIBILITIES UNDER THIS ACT SHALL AT ANY TIME  
3 HAVE ACCESS TO ANY INFORMATION IN THE PENDING COMPLAINT FILE.

4 (H) WHEN A REPORT OF SUSPECTED CHILD ABUSE IS DETERMINED BY  
5 THE APPROPRIATE CHILD PROTECTIVE SERVICE TO BE A FOUNDED REPORT  
6 OR AN INDICATED REPORT, THE INFORMATION CONCERNING SUCH REPORT  
7 OF SUSPECTED CHILD ABUSE SHALL BE EXPUNGED FORTHWITH FROM THE  
8 PENDING COMPLAINT FILE AND AN APPROPRIATE ENTRY SHALL BE MADE IN  
9 THE STATEWIDE CENTRAL REGISTER. WHEN A REPORT OF SUSPECTED CHILD  
10 ABUSE IS DETERMINED BY THE APPROPRIATE CHILD PROTECTIVE SERVICE  
11 TO BE AN UNFOUNDED REPORTED, THE INFORMATION CONCERNING SUCH  
12 REPORT OF SUSPECTED CHILD ABUSE SHALL BE EXPUNGED FORTHWITH FROM  
13 THE PENDING COMPLAINT FILE AND NO INFORMATION OTHER THAN THAT  
14 AUTHORIZED BY SUBSECTION (K), WHICH SHALL NOT INCLUDE ANY  
15 IDENTIFYING INFORMATION ON ANY SUBJECT OF SUCH REPORT, SHALL BE  
16 RETAINED BY THE DEPARTMENT.

17 (I) THE STATEWIDE CENTRAL REGISTER SHALL INCLUDE AND SHALL  
18 BE LIMITED TO THE FOLLOWING INFORMATION: THE NAMES OF THE  
19 SUBJECTS OF THE REPORTS; THE DATE OR DATES AND THE NATURE AND  
20 EXTENT OF THE ALLEGED INSTANCES OF SUSPECTED CHILD ABUSE; THE  
21 HOME ADDRESSES OF SUBJECTS OF THE REPORT; THE AGE OF THE  
22 CHILDREN SUSPECTED OF BEING ABUSED; THE LOCALITY IN WHICH THE  
23 SUSPECTED ABUSE OCCURRED; WHETHER THE REPORT IS A FOUNDED  
24 REPORT, AN INDICATED REPORT; AND THE PROGRESS OF ANY LEGAL  
25 PROCEEDINGS BROUGHT ON THE BASIS OF THE REPORT OF SUSPECTED  
26 CHILD ABUSE.

27 (J) IF WITHIN 30 DAYS FROM THE DATE OF AN INITIAL REPORT OF  
28 SUSPECTED CHILD ABUSE THE APPROPRIATE CHILD PROTECTIVE SERVICE  
29 HAS NOT PROPERLY INVESTIGATED SUCH REPORT AND INFORMED THE  
30 DEPARTMENT THAT THE REPORT IS AN INDICATED REPORT OR AN

1 UNFOUNDED REPORT, OR UNLESS WITHIN THAT SAME 30-DAY PERIOD THE  
2 REPORT IS DETERMINED TO BE A FOUNDED REPORT, THE DEPARTMENT  
3 SHALL IMMEDIATELY BEGIN AN INQUIRY INTO THE PERFORMANCE OF THE  
4 CHILD PROTECTIVE SERVICE, WHICH INQUIRY MAY INCLUDE A  
5 PERFORMANCE AUDIT OF THE CHILD PROTECTIVE SERVICE AS PROVIDED IN  
6 SECTION 20. ON THE BASIS OF THAT INQUIRY, THE DEPARTMENT IS  
7 HEREBY AUTHORIZED, AND ITS DUTY SHALL BE, TO TAKE APPROPRIATE  
8 ACTION TO REQUIRE THAT THE PROVISIONS OF THIS ACT BE STRICTLY  
9 FOLLOWED, WHICH ACTION MAY INCLUDE, WITHOUT LIMITATION, THE  
10 INSTITUTION OF APPROPRIATE LEGAL ACTION AND/OR THE WITHHOLDING  
11 OF REIMBURSEMENT FOR ALL OR PART OF THE ACTIVITIES OF THE COUNTY  
12 PUBLIC CHILD WELFARE AGENCY.

13 (K) IF AN INVESTIGATION OF A REPORT OF SUSPECTED CHILD ABUSE  
14 CONDUCTED BY THE APPROPRIATE CHILD PROTECTIVE SERVICE PURSUANT  
15 TO THIS ACT DOES NOT DETERMINE WITHIN 60 DAYS OF THE DATE OF THE  
16 INITIAL REPORT OF SUCH INSTANCE OF SUSPECTED CHILD ABUSE THAT  
17 THE REPORT IS AN INDICATED REPORT OR AN UNFOUNDED REPORT, OR  
18 UNLESS WITHIN THAT SAME 60-DAY PERIOD THE REPORT IS DETERMINED  
19 TO BE A FOUNDED REPORT, SAID REPORT SHALL BE CONSIDERED TO BE AN  
20 UNFOUNDED REPORT AND ALL INFORMATION IDENTIFYING THE SUBJECTS OF  
21 SUCH REPORT SHALL BE EXPUNGED FORTHWITH. NOTHING IN THIS  
22 SUBSECTION SHALL IN ANY WAY LIMIT THE POWERS AND DUTIES OF THE  
23 DEPARTMENT AS PROVIDED IN SUBSECTION (J).

24 (L) ALL INFORMATION IDENTIFYING THE SUBJECTS OF ANY REPORT  
25 OF SUSPECTED CHILD ABUSE DETERMINED TO BE AN UNFOUNDED REPORT  
26 SHALL BE EXPUNGED FORTHWITH FROM THE PENDING COMPLAINT FILE AND  
27 THE STATEWIDE CENTRAL REGISTER. SUCH EXPUNGEMENT SHALL BE  
28 MANDATED AND GUARANTEED BY THE DEPARTMENT AND PERSONS OR  
29 OFFICIALS AUTHORIZED TO KEEP SUCH RECORDS AS MENTIONED IN THIS  
30 SUBSECTION AND SUBSECTION (N) OF THIS SECTION WHO WILFULLY FAILS

1 TO DO SO SHALL BE GUILTY OF A SUMMARY OFFENSE, EXCEPT THAT FOR A  
2 SECOND AND SUBSEQUENT OFFENSE SHALL BE GUILTY OF A MISDEMEANOR  
3 OF THE THIRD DEGREE. FURTHERMORE, THE ATTORNEY GENERAL SHALL  
4 CONDUCT A MANDATED AUDIT DONE RANDOMLY BUT AT LEAST ONCE EVERY  
5 THREE MONTHS DURING EACH YEAR ON AN UNANNOUNCED BASIS TO ENSURE  
6 THAT THE EXPUNGEMENT REQUIREMENTS ARE BEING FULLY AND PROPERLY  
7 CONDUCTED.

8 (M) THE DEPARTMENT MAY CONDUCT OR AUTHORIZE THE CONDUCTING  
9 OF STUDIES OF THE DATA CONTAINED IN THE PENDING COMPLAINT FILE  
10 AND THE STATEWIDE CENTRAL REGISTER AND DISTRIBUTE THE RESULTS OF  
11 SUCH STUDIES, PROVIDED THAT NO SUCH STUDY SHALL CONTAIN THE NAME  
12 OR OTHER INFORMATION BY WHICH A SUBJECT OF A REPORT COULD BE  
13 IDENTIFIED.

14 (N) ALL INFORMATION IDENTIFYING THE SUBJECTS OF ALL  
15 INDICATED REPORTS AND ALL INFORMATION IDENTIFYING THE SUBJECT  
16 CHILD OF ALL FOUNDED REPORTS SHALL BE EXPUNGED WHEN THE SUBJECT  
17 CHILD REACHES THE AGE OF 18. SUCH EXPUNGEMENT SHALL BE MANDATED  
18 PURSUANT TO SUBSECTION (L).

19 (O) AT ANY TIME, THE SECRETARY MAY AMEND, SEAL OR EXPUNGE  
20 ANY RECORD UPON GOOD CAUSE SHOWN AND NOTICE TO THE SUBJECTS OF  
21 THE REPORT. ONCE SEALED, A RECORD SHALL NOT BE OTHERWISE  
22 AVAILABLE EXCEPT AS PROVIDED IN SUBSECTION (M) OF THIS SECTION  
23 OR EXCEPT IF THE SECRETARY, UPON NOTICE TO THE SUBJECTS OF THE  
24 REPORT, GIVES HIS PERSONAL APPROVAL FOR AN APPROPRIATE REASON.

25 (P) ALL EXISTING FILES, REPORTS AND RECORDS RELATING TO  
26 CHILD ABUSE COLLECTED OR FILED BY AND IN THE DEPARTMENT PRIOR TO  
27 THIS ACT SHALL IMMEDIATELY COME UNDER THE CONTROL OF THE  
28 DEPARTMENT PURSUANT TO THIS ACT, AND WITHIN SIX MONTHS FROM THE  
29 EFFECTIVE DATE OF THIS ACT THE DEPARTMENT SHALL DESTROY ALL  
30 INDIVIDUALLY IDENTIFIABLE RECORDS CONCERNING CHILD ABUSE EXCEPT

1 FOR THE PURPOSES OF STATISTICAL STUDY BY THE DEPARTMENT PURSUANT  
2 TO SUBSECTION (M).

3 SECTION 15. CONFIDENTIALITY OF RECORDS.--(A) EXCEPT AS  
4 PROVIDED IN SECTION 14, REPORTS MADE PURSUANT TO THIS ACT  
5 INCLUDING BUT NOT LIMITED TO REPORT SUMMARIES OF CHILD ABUSE  
6 MADE PURSUANT TO SECTION 6(B) AND WRITTEN REPORTS MADE PURSUANT  
7 TO SECTION 6(C) AS WELL AS ANY OTHER INFORMATION OBTAINED,  
8 REPORTS WRITTEN OR PHOTOGRAPHS OR X-RAYS TAKEN CONCERNING  
9 ALLEGED INSTANCES OF CHILD ABUSE IN THE POSSESSION OF THE  
10 DEPARTMENT, A COUNTY PUBLIC CHILD WELFARE AGENCY OR A CHILD  
11 PROTECTIVE SERVICE SHALL BE CONFIDENTIAL AND SHALL ONLY BE MADE  
12 AVAILABLE TO:

13 (1) A DULY AUTHORIZED OFFICIAL OF A CHILD PROTECTIVE SERVICE  
14 IN THE COURSE OF HIS OFFICIAL DUTIES.

15 (2) A PHYSICIAN EXAMINING OR TREATING A CHILD OR THE  
16 DIRECTOR OR A PERSON SPECIFICALLY DESIGNATED IN WRITING BY SUCH  
17 DIRECTOR OF ANY HOSPITAL OR OTHER MEDICAL INSTITUTION WHERE A  
18 CHILD IS BEING TREATED, WHERE THE PHYSICIAN OR THE DIRECTOR OR  
19 HIS DESIGNEE SUSPECT THE CHILD OF BEING AN ABUSED CHILD.

20 (3) A GUARDIAN AD LITEM FOR THE CHILD.

21 (4) A DULY AUTHORIZED OFFICIAL OF THE DEPARTMENT IN  
22 ACCORDANCE WITH DEPARTMENT REGULATIONS OR IN ACCORDANCE WITH THE  
23 CONDUCT OF A PERFORMANCE AUDIT AS AUTHORIZED BY SECTION 20.

24 (5) A COURT OF COMPETENT JURISDICTION PURSUANT TO A COURT  
25 ORDER.

26 (B) AT ANY TIME, A SUBJECT OF A REPORT MAY RECEIVE, UPON  
27 WRITTEN REQUEST, A COPY OF ALL INFORMATION EXCEPT THAT  
28 PROHIBITED FROM BEING DISCLOSED BY SUBSECTION (C), CONTAINED IN  
29 THE STATEWIDE CENTRAL REGISTER OR IN ANY REPORT FILED PURSUANT  
30 TO SECTION 6.

1 (C) THE RELEASE OF DATA THAT WOULD IDENTIFY THE PERSON WHO  
2 MADE A REPORT OF SUSPECTED CHILD ABUSE OR PERSON WHO COOPERATED  
3 IN A SUBSEQUENT INVESTIGATION, IS HEREBY PROHIBITED UNLESS THE  
4 SECRETARY FINDS THAT SUCH RELEASE WILL NOT BE DETRIMENTAL TO THE  
5 SAFETY OF SUCH PERSON.

6 (D) AT ANY TIME, A SUBJECT OF A REPORT MAY REQUEST THE  
7 SECRETARY TO AMEND, SEAL OR EXPUNGE INFORMATION CONTAINED IN THE  
8 PENDING COMPLAINT FILE AND THE STATEWIDE CENTRAL REGISTER OR  
9 ORDER THAT THE APPROPRIATE CHILD PROTECTIVE SERVICE TO AMEND,  
10 SEAL OR EXPUNGE THE INFORMATION CONTAINED IN ITS FILES  
11 PERTAINING TO ANY REPORT FILED PURSUANT TO SECTION 6. IF THE  
12 SECRETARY REFUSES OR DOES NOT ACT WITHIN A REASONABLE TIME, BUT  
13 IN NO EVENT LATER THAN 30 DAYS AFTER SUCH REQUEST, THE SUBJECT  
14 SHALL HAVE THE RIGHT TO A HEARING BEFORE THE SECRETARY OR HIS  
15 DESIGNATED AGENT TO DETERMINE WHETHER THE SUMMARY IN THE  
16 STATEWIDE CENTRAL REGISTER OR THE CONTENTS OF ANY REPORT FILED  
17 PURSUANT TO SECTION 6 SHOULD BE AMENDED, SEALED OR EXPUNGED ON  
18 THE GROUNDS THAT IT IS INACCURATE OR IT IS BEING MAINTAINED IN A  
19 MANNER INCONSISTENT WITH THIS ACT. THE APPROPRIATE CHILD  
20 PROTECTIVE SERVICE SHALL BE GIVEN NOTICE OF THE HEARING. THE  
21 BURDEN OF PROOF IN SUCH HEARING SHALL BE ON THE DEPARTMENT AND  
22 APPROPRIATE CHILD PROTECTIVE SERVICE. IN SUCH HEARINGS, THE FACT  
23 THAT THERE WAS A COURT FINDING OF CHILD ABUSE SHALL BE  
24 PRESUMPTIVE EVIDENCE THAT THE REPORT WAS SUBSTANTIATED. THE  
25 SECRETARY OR HIS DESIGNATED AGENT IS HEREBY AUTHORIZED AND  
26 EMPOWERED TO MAKE ANY APPROPRIATE ORDER RESPECTING THE AMENDMENT  
27 OR EXPUNGEMENT OF SUCH RECORDS TO MAKE IT ACCURATE OR CONSISTENT  
28 WITH THE REQUIREMENTS OF THIS ACT.

29 (E) WRITTEN NOTICE OF ANY EXPUNGEMENT OR AMENDMENT OF ANY  
30 RECORD, MADE PURSUANT TO THE PROVISIONS OF THIS ACT, SHALL BE



1 SERVED UPON EACH SUBJECT OF SUCH RECORD AND THE APPROPRIATE  
2 CHILD PROTECTIVE SERVICE. THE LATTER, UPON RECEIPT OF SUCH  
3 NOTICE, SHALL TAKE APPROPRIATE, SIMILAR ACTION IN REGARD TO THE  
4 LOCAL CHILD ABUSE RECORDS AND INFORM, FOR THE SAME PURPOSE, THE  
5 APPROPRIATE CORONER, IF SUCH OFFICER HAS RECEIVED REPORTS  
6 PURSUANT TO CLAUSE (3) OF SECTION 17.

7 (F) ANY PERSON WHO WILFULLY FAILS TO OBEY A FINAL ORDER OF  
8 THE SECRETARY OR HIS DESIGNATED AGENT TO AMEND OR EXPUNGE THE  
9 SUMMARY OF THE REPORT IN THE STATEWIDE CENTRAL REGISTER OR THE  
10 CONTENTS OF ANY REPORT FILED PURSUANT TO SECTION 6 SHALL BE  
11 GUILTY OF A SUMMARY OFFENSE.

12 (G) ANY PERSON WHO WILFULLY RELEASES OR PERMITS THE RELEASE  
13 OF ANY DATA AND INFORMATION CONTAINED IN THE PENDING COMPLAINT  
14 FILE, THE STATEWIDE CENTRAL REGISTER OR THE CHILD WELFARE  
15 RECORDS REQUIRED BY THIS ACT INCLUDING RECORDS MAINTAINED BY ANY  
16 COUNTY PUBLIC CHILD WELFARE AGENCY AND ANY CHILD PROTECTIVE  
17 SERVICE TO PERSONS OR AGENCIES NOT PERMITTED BY THIS ACT SHALL  
18 BE GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE.

19 SECTION 16. CHILD PROTECTIVE SERVICE RESPONSIBILITIES AND  
20 ORGANIZATION; LOCAL PLAN.--(A) EVERY COUNTY PUBLIC CHILD WELFARE  
21 AGENCY SHALL ESTABLISH A "CHILD PROTECTIVE SERVICE" WITHIN EACH  
22 AGENCY. THE CHILD PROTECTIVE SERVICE SHALL PERFORM THOSE  
23 FUNCTIONS ASSIGNED BY THIS ACT TO IT AND ONLY SUCH OTHERS THAT  
24 WOULD FURTHER THE PURPOSES OF THIS ACT. IT SHALL HAVE A  
25 SUFFICIENT STAFF OF SUFFICIENT QUALIFICATIONS TO FULFILL THE  
26 PURPOSES OF THIS ACT AND ORGANIZED IN SUCH A WAY AS TO MAXIMIZE  
27 THE CONTINUITY OF RESPONSIBILITY, CARE AND SERVICES OF  
28 INDIVIDUAL WORKERS TOWARD INDIVIDUAL CHILDREN AND FAMILIES. THE  
29 CHILD PROTECTIVE SERVICE OF THE COUNTY PUBLIC CHILD WELFARE  
30 AGENCY SHALL BE THE SOLE AGENCY RESPONSIBLE FOR RECEIVING AND

1 INVESTIGATING ALL REPORTS OF CHILD ABUSE MADE PURSUANT TO THIS  
2 ACT, SPECIFICALLY INCLUDING, BUT NOT LIMITED TO REPORTS OF CHILD  
3 ABUSE IN FACILITIES OPERATED BY THE DEPARTMENT AND OTHER PUBLIC  
4 AGENCIES, FOR THE PURPOSE OF PROVIDING PROTECTIVE SERVICES TO  
5 PREVENT FURTHER ABUSES TO CHILDREN AND TO PROVIDE OR ARRANGE FOR  
6 AND MONITOR THE PROVISION OF THOSE SERVICES NECESSARY TO  
7 SAFEGUARD AND ENSURE THE CHILD'S WELL-BEING AND DEVELOPMENT, AND  
8 TO PRESERVE AND STABILIZE FAMILY LIFE WHEREVER APPROPRIATE;  
9 PROVIDED, HOWEVER, THAT WHEN THE SUSPECTED ABUSE HAS BEEN  
10 COMMITTED BY THE AGENCY OR ANY OF ITS AGENTS OR EMPLOYEES, THE  
11 DEPARTMENT SHALL ASSUME THE ROLE OF THE AGENCY.

12 (B) ANY OTHER PROVISION OF LAW NOTWITHSTANDING, BUT  
13 CONSISTENT WITH SUBSECTION (A), THE COUNTY PUBLIC CHILD WELFARE  
14 AGENCY, BASED UPON THE LOCAL PLAN OF SERVICES AS PROVIDED IN  
15 SUBSECTION (C), MAY PURCHASE AND UTILIZE THE SERVICES OF ANY  
16 APPROPRIATE PUBLIC OR PRIVATE AGENCY.

17 (C) NO LATER THAN ONCE EACH YEAR AS REQUIRED BY THE  
18 DEPARTMENT EACH COUNTY AGENCY CHILD PROTECTIVE SERVICE SHALL  
19 PREPARE AND SUBMIT TO THE DEPARTMENT AFTER CONSULTATION WITH  
20 LOCAL LAW ENFORCEMENT AGENCIES, THE COURT AND APPROPRIATE PUBLIC  
21 OR PRIVATE AGENCIES AND AFTER A PUBLIC HEARING, A LOCAL PLAN FOR  
22 THE PROVISION OF CHILD PROTECTIVE SERVICES WHICH SHALL DESCRIBE  
23 THE IMPLEMENTATION OF THIS ACT INCLUDING THE ORGANIZATION,  
24 STAFFING, MODE OF OPERATIONS AND FINANCING OF THE CHILD  
25 PROTECTIVE SERVICE AS WELL AS THE PROVISIONS MADE FOR PURCHASE  
26 OF SERVICE AND INTER-AGENCY RELATIONS. THE LOCAL PLAN MAY TAKE  
27 EFFECT IMMEDIATELY. WITHIN 60 DAYS THE DEPARTMENT SHALL CERTIFY  
28 WHETHER OR NOT THE LOCAL PLAN FULFILLS THE PURPOSES OF AND MEETS  
29 THE REQUIREMENTS SET FORTH IN THIS ACT. IF THE DEPARTMENT  
30 CERTIFIES THAT THE LOCAL PLAN DOES NOT DO SO, THE DEPARTMENT

1 SHALL STATE THE REASONS THEREFOR AND MAY WITHHOLD REIMBURSEMENT  
2 FOR ALL OR PART OF THE ACTIVITIES OF THE AGENCY. IF THE  
3 DEPARTMENT FINDS THAT A PROPOSED LOCAL PLAN DOES NOT MEET THE  
4 REQUIREMENTS SET FORTH IN THIS ACT, THE CHILD PROTECTIVE SERVICE  
5 SHALL REVISE THE LOCAL PLAN IN ACCORDANCE WITH THE DEPARTMENT'S  
6 REASONS FOR DISAPPROVAL.

7 (D) EACH CHILD PROTECTIVE SERVICE SHALL MAKE AVAILABLE AMONG  
8 ITS SERVICES FOR THE PREVENTION AND TREATMENT OF CHILD ABUSE  
9 MULTIDISCIPLINARY TEAMS, INSTRUCTION IN EDUCATION FOR  
10 PARENTHOOD, PROTECTIVE AND PREVENTIVE SOCIAL COUNSELING,  
11 EMERGENCY CARETAKER SERVICES, EMERGENCY SHELTER CARE, EMERGENCY  
12 MEDICAL SERVICES, AND THE ESTABLISHMENT OF GROUPS ORGANIZED BY  
13 FORMER ABUSING PARENTS TO ENCOURAGE SELF-REPORTING AND SELF-  
14 TREATMENT OF PRESENT ABUSERS.

15 SECTION 17. DUTIES OF THE CHILD PROTECTIVE SERVICE  
16 CONCERNING REPORTS OF ABUSE.--EACH CHILD PROTECTIVE SERVICE  
17 SHALL:

18 (1) RECEIVE ON A 24 HOUR, SEVEN DAY A WEEK BASIS ALL  
19 REPORTS, BOTH ORAL AND WRITTEN, OF SUSPECTED CHILD ABUSE IN  
20 ACCORDANCE WITH THIS ACT, THE LOCAL PLAN FOR THE PROVISION OF  
21 CHILD PROTECTIVE SERVICES AND THE REGULATIONS OF THE DEPARTMENT.

22 (2) UPON THE RECEIPT OF EACH REPORT OF SUSPECTED CHILD ABUSE  
23 MADE PURSUANT TO THIS ACT, IMMEDIATELY TRANSMIT, A CHILD ABUSE  
24 REPORT SUMMARY AS PROVIDED IN SECTION 6 TO THE DEPARTMENT.  
25 SUPPLEMENTAL REPORTS SHALL BE MADE AT REGULAR INTERVALS  
26 THEREAFTER IN A MANNER AND FORM PRESCRIBED BY THE DEPARTMENT, BY  
27 REGULATION TO THE END THAT THE DEPARTMENT IS KEPT FULLY INFORMED  
28 AND UP-TO-DATE CONCERNING THE STATUS OF REPORTS OF CHILD ABUSE.

29 (3) GIVE TELEPHONE NOTICE AND FORWARD IMMEDIATELY A COPY OF  
30 REPORTS MADE PURSUANT TO THIS ACT WHICH INVOLVE THE DEATH OF A

1 CHILD TO THE APPROPRIATE CORONER PURSUANT TO SECTION 9.

2 (4) UPON RECEIPT OF EACH REPORT OF SUSPECTED CHILD ABUSE,  
3 COMMENCE WITHIN 24 HOURS, AN APPROPRIATE INVESTIGATION WHICH  
4 SHALL INCLUDE A DETERMINATION OF THE RISK TO SUCH CHILD OR  
5 CHILDREN IF THEY CONTINUE TO REMAIN IN THE EXISTING HOME  
6 ENVIRONMENT, AS WELL AS A DETERMINATION OF THE NATURE, EXTENT,  
7 AND CAUSE OF ANY CONDITION ENUMERATED IN SUCH REPORT, AND, AFTER  
8 SEEING TO THE SAFETY OF THE CHILD OR CHILDREN, FORTHWITH NOTIFY  
9 THE SUBJECTS OF THE REPORT IN WRITING, OF THE EXISTENCE OF THE  
10 REPORT AND THEIR RIGHTS PURSUANT TO THIS ACT IN REGARD TO  
11 AMENDMENT OR EXPUNGEMENT. THE INVESTIGATION SHALL BE COMPLETED  
12 WITHIN 30 DAYS.

13 (5) THE INVESTIGATION SHALL DETERMINE WHETHER THE CHILD IS  
14 BEING HARMED BY FACTORS BEYOND THE CONTROL OF THE PARENT OR  
15 OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE, AND IF SO  
16 DETERMINED, THE CHILD PROTECTIVE SERVICE SHALL PROMPTLY TAKE ALL  
17 AVAILABLE STEPS TO REMEDY AND CORRECT SUCH CONDITIONS, INCLUDING  
18 BUT NOT LIMITED TO THE COORDINATION OF SOCIAL SERVICES FOR THE  
19 CHILD AND THE FAMILY.

20 (6) DETERMINE, WITHIN 30 DAYS, WHETHER THE REPORT IS  
21 "FOUNDED," "INDICATED" OR "UNFOUNDED."

22 (7) PURSUANT TO THE PROVISIONS OF SECTION 8 AND AFTER COURT  
23 ORDER TAKE A CHILD INTO PROTECTIVE CUSTODY TO PROTECT HIM FROM  
24 FURTHER ABUSE. NO CHILD PROTECTIVE SERVICES WORKER SHALL ENTER  
25 THE HOME OF ANY INDIVIDUAL FOR THIS PURPOSE WITHOUT JUDICIAL  
26 AUTHORIZATION.

27 (8) BASED ON THE INVESTIGATION AND EVALUATION CONDUCTED  
28 PURSUANT TO THIS ACT, PROVIDE OR CONTRACT WITH PRIVATE OR PUBLIC  
29 AGENCIES FOR THE PROTECTION OF THE CHILD IN HIS HOME WHENEVER  
30 POSSIBLE, AND/OR THOSE SERVICES NECESSARY FOR ADEQUATE CARE OF

1 THE CHILD WHEN PLACED IN PROTECTIVE CUSTODY. PRIOR TO OFFERING  
2 SUCH SERVICES TO A FAMILY, EXPLAIN THAT IT HAS NO LEGAL  
3 AUTHORITY TO COMPEL SUCH FAMILY TO RECEIVE SAID SERVICES, BUT  
4 MAY INFORM THE FAMILY OF THE OBLIGATIONS AND AUTHORITY OF THE  
5 CHILD PROTECTIVE SERVICE TO INITIATE APPROPRIATE COURT  
6 PROCEEDINGS.

7 (9) IN THOSE CASES IN WHICH AN APPROPRIATE OFFER OF SERVICE  
8 IS REFUSED AND THE CHILD PROTECTIVE SERVICE DETERMINES OR IF THE  
9 SERVICE FOR ANY OTHER APPROPRIATE REASON DETERMINES THAT THE  
10 BEST INTERESTS OF THE CHILD REQUIRE COURT ACTION, INITIATE THE  
11 APPROPRIATE COURT PROCEEDING.

12 (10) ASSIST THE COURT DURING ALL STAGES OF THE COURT  
13 PROCEEDING IN ACCORDANCE WITH THE PURPOSES OF THIS ACT.

14 (11) PROVIDE OR ARRANGE FOR AND MONITOR REHABILITATIVE  
15 SERVICES FOR CHILDREN AND THEIR FAMILIES ON A VOLUNTARY BASIS OR  
16 UNDER A FINAL OR INTERMEDIATE ORDER OF THE COURT.

17 (12) THE CHILD PROTECTIVE SERVICE SHALL BE AS EQUALLY  
18 VIGILANT OF THE STATUS, WELL-BEING, AND CONDITIONS UNDER WHICH A  
19 CHILD IS LIVING AND BEING MAINTAINED IN A FACILITY OTHER THAN  
20 THAT OF HIS PARENT, CUSTODIAN OR GUARDIAN FROM WHICH HE HAS BEEN  
21 REMOVED, AS HE IS OF THE CONDITIONS IN THE DWELLING OF THE  
22 PARENT, CUSTODIAN OR GUARDIAN. WHERE THE CHILD PROTECTIVE  
23 SERVICE FINDS THAT THE PLACEMENT FOR ANY TEMPORARY OR PERMANENT  
24 CUSTODY, CARE OR TREATMENT IS FOR ANY REASON IN APPROPRIATE OR  
25 HARMFUL IN ANY WAY TO THE CHILD'S PHYSICAL OR MENTAL WELL-BEING,  
26 IT SHALL TAKE IMMEDIATE STEPS TO REMEDY THESE CONDITIONS  
27 INCLUDING PETITIONING THE COURT.

28 SECTION 18. COOPERATION OF OTHER AGENCIES.--THE SECRETARY  
29 MAY REQUEST AND SHALL RECEIVE FROM DEPARTMENTS, BOARDS, BUREAUS,  
30 OR OTHER AGENCIES OF THE COMMONWEALTH, OR ANY OF ITS POLITICAL

1 SUBDIVISIONS, OR ANY DULY AUTHORIZED AGENCY, OR ANY OTHER AGENCY  
2 PROVIDING SERVICES UNDER THE LOCAL CHILD PROTECTIVE SERVICES  
3 PLAN SUCH ASSISTANCE AND DATA AS WILL ENABLE THE DEPARTMENT AND  
4 THE CHILD PROTECTIVE SERVICES TO FULFILL THEIR RESPONSIBILITIES  
5 PROPERLY.

6 SECTION 19. ANNUAL REPORTS.--NO LATER THAN APRIL 15 OF EVERY  
7 YEAR, THE SECRETARY SHALL PREPARE AND TRANSMIT TO THE GOVERNOR  
8 AND THE GENERAL ASSEMBLY A REPORT ON THE OPERATIONS OF THE  
9 CENTRAL REGISTER OF CHILD ABUSE AND THE VARIOUS CHILD PROTECTIVE  
10 SERVICES. THE REPORT SHALL INCLUDE A FULL STATISTICAL ANALYSIS  
11 OF THE REPORTS OF SUSPECTED CHILD ABUSE MADE TO THE DEPARTMENT  
12 TOGETHER WITH A REPORT ON THE IMPLEMENTATION OF THIS ACT AND ITS  
13 TOTAL COST TO THE COMMONWEALTH, THE SECRETARY'S EVALUATION OF  
14 SERVICES OFFERED UNDER THIS ACT AND RECOMMENDATIONS FOR REPEAL  
15 OR FOR ADDITIONAL LEGISLATION TO FULFILL THE PURPOSES OF THIS  
16 ACT. ALL SUCH RECOMMENDATIONS SHOULD CONTAIN AN ESTIMATE OF  
17 INCREASED OR DECREASED COSTS RESULTING THEREFROM.

18 SECTION 20. PERFORMANCE AUDIT.--NOTWITHSTANDING ANY OTHER  
19 PROVISION OF THIS ACT, THE SECRETARY OR HIS DESIGNEE MAY DIRECT,  
20 AT THEIR DISCRETION, A PERFORMANCE AUDIT OF ANY ACTIVITY ENGAGED  
21 IN PURSUANT TO THIS ACT.

22 SECTION 21. REGULATIONS.--THE DEPARTMENT SHALL ADOPT  
23 REGULATIONS NECESSARY TO IMPLEMENT THIS ACT.

24 SECTION 22. HEARINGS AND EVIDENCE.--IN ADDITION TO THE RULES  
25 OF EVIDENCE PROVIDED UNDER THE JUVENILE ACT THE FOLLOWING SHALL  
26 GOVERN IN CHILD ABUSE PROCEEDINGS IN JUVENILE OR FAMILY COURT:

27 (1) WHENEVER ANY PERSON REQUIRED TO REPORT UNDER THIS ACT IS  
28 UNAVAILABLE DUE TO DEATH OR REMOVAL FROM THE COURT'S  
29 JURISDICTION, THE WRITTEN REPORT OF SUCH PERSON SHALL BE  
30 ADMISSIBLE IN EVIDENCE IN ANY PROCEEDINGS ARISING OUT OF CHILD

1 ABUSE OTHER THAN PROCEEDINGS UNDER THE CRIMES CODE. ANY HEARSAY  
2 CONTAINED IN THE REPORTS SHALL BE GIVEN SUCH WEIGHT, IF ANY, AS  
3 THE COURT SHALL DETERMINE TO BE APPROPRIATE UNDER ALL OF THE  
4 CIRCUMSTANCES. HOWEVER, ANY HEARSAY CONTAINED IN A WRITTEN  
5 REPORT SHALL NOT OF ITSELF BE SUFFICIENT TO SUPPORT AN  
6 ADJUDICATION BASED ON ABUSE.

7 (2) EXCEPT FOR PRIVILEGED COMMUNICATIONS BETWEEN A LAWYER  
8 AND HIS CLIENT AND BETWEEN A MINISTER AND HIS PENITENT, ANY  
9 PRIVILEGE OF CONFIDENTIAL COMMUNICATION BETWEEN HUSBAND AND WIFE  
10 OR BETWEEN ANY PROFESSIONAL PERSON, INCLUDING BUT NOT LIMITED TO  
11 PHYSICIANS, PSYCHOLOGIST, COUNSELORS, EMPLOYEES OF HOSPITALS,  
12 CLINICS, DAY CARE CENTERS, AND SCHOOLS AND THEIR PATIENTS OR  
13 CLIENTS, SHALL NOT CONSTITUTE GROUNDS FOR EXCLUDING EVIDENCE AT  
14 ANY PROCEEDING REGARDING CHILD ABUSE OR THE CAUSE THEREOF.

15 (3) EVIDENCE THAT A CHILD HAS SUFFERED SERIOUS PHYSICAL  
16 INJURY, SEXUAL ABUSE OR SERIOUS PHYSICAL NEGLECT OF SUCH A  
17 NATURE AS WOULD ORDINARILY NOT BE SUSTAINED OR EXIST EXCEPT BY  
18 REASON OF THE ACTS OR OMISSIONS OF THE PARENT OR OTHER PERSON  
19 RESPONSIBLE FOR THE WELFARE OF SUCH CHILD SHALL BE PRIMA FACIE  
20 EVIDENCE OF CHILD ABUSE BY THE PARENT OR OTHER PERSON  
21 RESPONSIBLE FOR THE CHILD'S WELFARE.

22 SECTION 23. THE GUARDIAN AD LITEM.--(A) THE COURT, WHEN A  
23 PROCEEDING HAS BEEN INITIATED ARISING OUT OF CHILD ABUSE, SHALL  
24 APPOINT A GUARDIAN AD LITEM FOR THE CHILD. THE GUARDIAN AD LITEM  
25 SHALL BE AN ATTORNEY-AT-LAW. THE GUARDIAN AD LITEM SHALL BE  
26 GIVEN ACCESS TO ALL REPORTS RELEVANT TO THE CASE AND TO ANY  
27 REPORTS OF EXAMINATION OF THE CHILD'S PARENTS OR OTHER CUSTODIAN  
28 PURSUANT TO THIS ACT. THE GUARDIAN AD LITEM SHALL BE CHARGED  
29 WITH THE REPRESENTATION OF THE CHILD'S BEST INTERESTS AT EVERY  
30 STATE OF THE PROCEEDING AND SHALL MAKE SUCH FURTHER

1 INVESTIGATION NECESSARY TO ASCERTAIN THE FACTS, INTERVIEW  
2 WITNESSES, EXAMINE AND CROSS-EXAMINE WITNESSES, MAKE  
3 RECOMMENDATIONS TO THE COURT AND PARTICIPATE FURTHER IN THE  
4 PROCEEDINGS TO THE DEGREE APPROPRIATE FOR ADEQUATELY  
5 REPRESENTING THE CHILD.

6 (B) THE COURT SHALL HAVE THE DUTY, UPON CONSIDERATION OF THE  
7 PETITION OF ANY ATTORNEY FOR THE CHILD, TO ORDER A LOCAL CHILD  
8 PROTECTIVE SERVICE OR OTHER AGENCY TO ESTABLISH AND/OR  
9 IMPLEMENT, FULLY AND PROMPTLY, APPROPRIATE SERVICES, TREATMENT,  
10 AND PLANS FOR A CHILD FOUND IN NEED OF THEM. ADDITIONALLY, THE  
11 COURT, UPON CONSIDERATION OF THE PETITION OF ANY ATTORNEY FOR  
12 THE CHILD, SHALL HAVE THE DUTY TO TERMINATE OR ALTER THE  
13 CONDITIONS OF ANY PLACEMENT, TEMPORARY OR PERMANENT, OF A CHILD.

14 SECTION 24. LEGISLATIVE OVERSIGHT.--FOR PURPOSES OF (1) <—  
15 PROVIDING INFORMATION THAT WILL AID THE GENERAL ASSEMBLY IN ITS  
16 OVERSIGHT RESPONSIBILITIES; (2) ENABLING THE GENERAL ASSEMBLY TO  
17 DETERMINE WHETHER THE PROGRAMS AND SERVICES MANDATED BY THIS ACT  
18 ARE EFFECTIVELY MEETING THE GOALS OF THIS LEGISLATION; (3)  
19 ASSISTING THE GENERAL ASSEMBLY IN MEASURING THE COSTS AND  
20 BENEFITS OF THIS PROGRAM AND THE EFFECTS AND/OR SIDE-EFFECTS OF  
21 MANDATED PROGRAM SERVICES; (4) PERMITTING THE GENERAL ASSEMBLY  
22 TO DETERMINE WHETHER THE CONFIDENTIALITY OF RECORDS MANDATED BY  
23 THIS ACT IS BEING MAINTAINED AT THE STATE AND LOCAL LEVEL; AND  
24 (5) PROVIDING INFORMATION THAT WILL PERMIT STATE AND LOCAL  
25 PROGRAM ADMINISTRATORS TO BE HELD ACCOUNTABLE FOR THE  
26 ADMINISTRATION OF THE PROGRAMS MANDATED BY THIS ACT, BEGINNING  
27 ONE YEAR FROM THE EFFECTIVE DATE OF THIS ACT, THE SENATE  
28 COMMITTEE ON AGING AND YOUTH AND THE HOUSE COMMITTEE ON HEALTH  
29 AND WELFARE, EITHER JOINTLY AND/OR SEPARATELY, SHALL BEGIN A  
30 REVIEW INTO THE MANNER IN WHICH THIS ACT HAS BEEN ADMINISTERED



1 AT THE STATE AND LOCAL LEVEL.

2 SECTION ~~24~~ 25. REPEALS.--THE ACT OF AUGUST 14, 1967 <—  
3 (P.L.239, NO.91), ENTITLED "AN ACT RELATING TO GROSS PHYSICAL  
4 NEGLECT OF, OR INJURY TO, CHILDREN UNDER EIGHTEEN YEARS OF AGE;  
5 REQUIRING REPORTS IN SUCH CASES BY EXAMINING PHYSICIANS OR HEADS  
6 OF INSTITUTIONS TO COUNTY PUBLIC CHILD WELFARE AGENCIES;  
7 IMPOSING POWERS AND DUTIES ON COUNTY PUBLIC CHILD WELFARE  
8 AGENCIES BASED ON SUCH REPORTS; AND PROVIDING PENALTIES," IS  
9 REPEALED ABSOLUTELY; ALL OTHER ACTS AND PARTS OF ACTS, GENERAL,  
10 LOCAL AND SPECIAL, ARE REPEALED IN SO FAR AS THEY ARE  
11 INCONSISTENT HERewith; PROVIDED, HOWEVER, THAT NOTHING IN THIS  
12 ACT SHALL IN ANY WAY REPEAL THE PROVISIONS OF THE ACT OF  
13 DECEMBER 6, 1972 (P.L.1464, NO.333), KNOWN AS THE "JUVENILE  
14 ACT," NOR THE PROVISIONS OF THE ACT OF APRIL 14, 1972 (P.L.221,  
15 NO.63), KNOWN AS THE "PENNSYLVANIA DRUG AND ALCOHOL ABUSE  
16 CONTROL ACT."

17 SECTION ~~25~~ 26. EFFECTIVE DATE.--THIS ACT SHALL TAKE EFFECT <—  
18 IMMEDIATELY; PROVIDED, HOWEVER, THAT NO PERSON SHALL BE REQUIRED  
19 TO MAKE A REPORT OF SUSPECTED CHILD ABUSE UNTIL THE DEPARTMENT  
20 PROMULGATES INITIAL REGULATIONS IMPLEMENTING THIS ACT, AND THE  
21 SECRETARY CERTIFIES IN THE PENNSYLVANIA BULLETIN THAT THE  
22 STATEWIDE CENTRAL REGISTER AND THE STATEWIDE TOLL-FREE TELEPHONE  
23 SYSTEM REQUIRED BY SECTION 14 ARE IN OPERATION. SUCH REGULATIONS  
24 SHALL BE ISSUED AS PROPOSED RULE MAKING WITHIN 60 DAYS OF  
25 ENACTMENT OF THIS ACT AND SHALL BE PROMULGATED AS FINAL  
26 REGULATIONS ALONG WITH THE SECRETARY'S CERTIFICATION THAT THE  
27 STATEWIDE CENTRAL REGISTER AND STATEWIDE TOLL-FREE TELEPHONE  
28 SYSTEM ARE IN OPERATION WITHIN 120 DAYS OF ENACTMENT OF THIS  
29 ACT.