

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2670 Session of  
2006

INTRODUCED BY KAUFFMAN, CORNELL, BALDWIN, BELFANTI, CALTAGIRONE,  
CAPPELLI, CLYMER, CRAHALLA, DENLINGER, FRANKEL, FREEMAN,  
GABIG, GEORGE, GOODMAN, HENNESSEY, HESS, HICKERNELL, JAMES,  
KILLION, LaGROTTA, LEH, MANN, MARSICO, MUNDY, NAILOR,  
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THOMAS, TIGUE, TRUE, WATSON, WILT, YOUNGBLOOD, SEMMEL,  
PICKETT, MACKERETH, S. MILLER, SIPTROTH, PARKER, J. TAYLOR,  
BOYD AND BEYER, MAY 11, 2006

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 7, 2006

## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for grounds for  
3 involuntary termination of parental rights; and, in child  
4 protective services, further providing for definitions,  
5 further providing for release of information in confidential  
6 reports, providing for citizen review panels, further  
7 providing for annual reports; and providing for mandatory  
8 reporting of substance abuse births.

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

11 Section 1. Section 2511(a) of Title 23 of the Pennsylvania  
12 Consolidated Statutes is amended by adding a paragraph to read:

13 § 2511. Grounds for involuntary termination.

14 (a) General rule.--The rights of a parent in regard to a  
15 child may be terminated after a petition filed on any of the  
16 following grounds:

17 \* \* \*

1       (9) The parent has been convicted of one of the  
2       following in which the victim was a child of the parent:

3               (i) an offense under 18 Pa.C.S. Ch. 25 (relating to  
4               criminal homicide);

5               (ii) a felony under 18 Pa.C.S. § 2702 (relating to  
6               aggravated assault);

7               (iii) an offense in another jurisdiction equivalent  
8               to an offense in subparagraph (i) or (ii); or

9               (iv) an attempt, solicitation or conspiracy to  
10              commit an offense in subparagraph (i), (ii) or (iii).

11       \* \* \*

12       Section 2. Section 6303(a) of Title 23 is amended by adding  
13 definitions to read:

14   § 6303. Definitions.

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

18       \* \* \*

19       "Near fatality." An act that, as certified by a physician,  
20 places a child in serious or critical condition.

21       \* \* \*

22       ~~"Nonaccidental." A reasonably foreseeable injury that is the~~ <—  
23 ~~result of an intentional act.~~

24       "NONACCIDENTAL." AN INJURY THAT IS THE RESULT OF AN <—  
25 INTENTIONAL ACT THAT IS COMMITTED WITH DISREGARD OF A  
26 SUBSTANTIAL AND UNJUSTIFIABLE RISK.

27       \* \* \*

28       Section 3. Section 6340(a)(1) of Title 23 is amended and the  
29 subsection is amended by adding a paragraph to read:

30   § 6340. Release of information in confidential reports.

1 (a) General rule.--Reports specified in section 6339  
2 (relating to confidentiality of reports) shall only be made  
3 available to:

4 (1) An authorized official of a county agency, a Federal  
5 agency that has a need for such information to carry out its  
6 responsibilities under law to protect children from abuse and  
7 neglect or of an agency of another state that performs  
8 protective services analogous to those services performed by  
9 county agencies or the department in the course of the  
10 official's duties, multidisciplinary team members assigned to  
11 the case and duly authorized persons providing services  
12 pursuant to section 6370(a) (relating to voluntary or court-  
13 ordered services; findings of child abuse).

14 \* \* \*

15 (16) Members of citizen review panels convened pursuant  
16 to section 6343.1 (relating to citizen review panels),  
17 provided that such members shall not disclose to any person  
18 or government official any identifying information about any  
19 specific child protective services case with respect to which  
20 the panel is provided information.

21 \* \* \*

22 Section 4. Title 23 is amended by adding a section to read:  
23 § 6343.1. Citizen review panels.

24 (a) Establishment.--The department shall establish a minimum  
25 of three citizen review panels.

26 (b) Function.--The panels shall examine all of the  
27 following:

28 (1) Policies, procedures and practices of the child  
29 protective services system.

30 (2) Other criteria the panel considers important to

1 ensure the protection of children, including review of child  
2 fatalities and near fatalities.

3 (c) Membership.--The panels shall be composed of volunteer  
4 members who represent the community and have expertise in the  
5 prevention and treatment of child abuse and neglect.

6 (d) Meetings.--Each citizen review panel shall meet not less  
7 than once every three months.

8 (e) Reports.--The department shall issue an annual report  
9 summarizing the activities and recommendations of the panels and  
10 summarizing the department response to the recommendations.

11 Section 5. Section 6347(a) of Title 23 is amended and  
12 subsection (b) is amended by adding a paragraph to read:

13 § 6347. Annual reports to Governor and General Assembly.

14 (a) General rule.--No later than May 1 of every year, the  
15 secretary shall prepare and transmit to the Governor and the  
16 General Assembly a report on the operations of the central  
17 register of child abuse and child protective services provided  
18 by county agencies. The report shall include a full statistical  
19 analysis of the reports of suspected child abuse made to the  
20 department and the reports under Subchapter C.1 (relating to  
21 students in public and private schools), together with a report  
22 on the implementation of this chapter and its total cost to the  
23 Commonwealth, the evaluation of the secretary of services  
24 offered under this chapter and recommendations for repeal or for  
25 additional legislation to fulfill the purposes of this chapter.  
26 All such recommendations should contain an estimate of increased  
27 or decreased costs resulting therefrom. The report shall also  
28 include an explanation of services provided to children who were  
29 the subjects of founded or indicated reports while receiving  
30 child-care services. The department shall also describe its

1 actions in respect to the perpetrators of the abuse. The  
2 department shall also provide a summary of the findings with  
3 nonidentifying information about each case of child abuse or  
4 neglect which has resulted in a child fatality or near fatality.

5 (b) Reports from county agencies.--To assist the department  
6 in preparing its annual report, each county agency shall submit  
7 a quarterly report to the department, including, at a minimum,  
8 the following information, on an aggregate basis, regarding  
9 general protective services, child protective services and  
10 action under Subchapter C.1:

11 \* \* \*

12 (5) A summary of the findings with nonidentifying  
13 information about each case of child abuse or neglect which  
14 has resulted in a child fatality or near fatality.

15 Section 6. Title 23 is amended by adding a section to read:  
16 § 6386. Mandatory reporting of infants born and identified as  
17 being affected by illegal substance abuse.

18 Health care providers who are involved in the delivery or  
19 care of an infant who is born and identified as being affected  
20 by illegal substance abuse or as having withdrawal symptoms  
21 resulting from prenatal drug exposure shall immediately cause a  
22 report to be made to the appropriate county agency. The county  
23 agency shall provide or arrange for appropriate services for the  
24 infant.

25 Section 7. This act shall take effect in 180 days.