
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, O'NEILL, PETRARCA, RAPP, REICHLEY, ROHRER, RUBLEY, SAYLOR, SCAVELLO, SHANER, SONNEY, STERN, R. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WATSON, WILT, YOUNGBLOOD, SEMMEL, PICKETT, MACKERETH, S. MILLER, SIPTROTH, PARKER, J. TAYLOR, BOYD, BEYER, HARPER, YUDICHAK, ROSS, SAMUELSON, MELIO AND PALLONE, MAY 11, 2006

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
OCTOBER 3, 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:

1 * * *

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

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

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

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

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

12 * * *

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

15 § 6303. Definitions.

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

19 * * *

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

22 * * *

23 "Nonaccidental." An injury that is the result of an
24 intentional act that is committed with disregard of a
25 substantial and unjustifiable risk.

26 * * *

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

29 § 6340. Release of information in confidential reports.

30 (a) General rule.--Reports specified in section 6339

(relating to confidentiality of reports) shall only be made
available to:

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

* * *

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

* * *

Section 4. Title 23 is amended by adding a section to read:

§ 6343.1. Citizen review panels.

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

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

(1) Policies, procedures and practices of the child protective services system. STATE AND LOCAL AGENCIES AND, WHERE APPROPRIATE, SPECIFIC CASES TO EVALUATE THE EXTENT TO WHICH STATE AND LOCAL CHILD PROTECTIVE SYSTEM AGENCIES ARE

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1 EFFECTIVELY DISCHARGING THEIR CHILD PROTECTION
2 RESPONSIBILITIES UNDER SECTION 106(B) OF THE CHILD ABUSE
3 PREVENTION AND TREATMENT ACT (PUBLIC LAW 93-247, 42 U.S.C. §
4 5106A(B)).

5 (2) Other criteria the panel considers important to
6 ensure the protection of children, ~~including review of child~~ <—
7 ~~fatalities and near fatalities.~~ INCLUDING: <—

8 (I) A REVIEW OF THE EXTENT TO WHICH THE STATE AND
9 LOCAL CHILD PROTECTIVE SERVICES SYSTEM IS COORDINATED
10 WITH THE FOSTER CARE AND ADOPTION PROGRAMS ESTABLISHED
11 UNDER PART E OF TITLE IV OF THE SOCIAL SECURITY ACT (49
12 STAT. 620, 42 U.S.C. § 670 ET SEQ.); AND

13 (II) A REVIEW OF CHILD FATALITIES AND NEAR
14 FATALITIES.

15 (c) Membership.--The panels shall be composed of volunteer
16 members who represent the community ~~and~~, INCLUDING MEMBERS WHO <—
17 have expertise in the prevention and treatment of child abuse
18 and neglect.

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

21 (e) Reports.--The department shall issue an annual report
22 summarizing the activities and recommendations of the panels and
23 summarizing the department response to the recommendations.

24 Section 5. Section 6347(a) of Title 23 is amended and
25 subsection (b) is amended by adding a paragraph to read:
26 § 6347. Annual reports to Governor and General Assembly.

27 (a) General rule.--No later than May 1 of every year, the
28 secretary shall prepare and transmit to the Governor and the
29 General Assembly a report on the operations of the central
30 register of child abuse and child protective services provided

1 by county agencies. The report shall include a full statistical
2 analysis of the reports of suspected child abuse made to the
3 department and the reports under Subchapter C.1 (relating to
4 students in public and private schools), together with a report
5 on the implementation of this chapter and its total cost to the
6 Commonwealth, the evaluation of the secretary of services
7 offered under this chapter and recommendations for repeal or for
8 additional legislation to fulfill the purposes of this chapter.
9 All such recommendations should contain an estimate of increased
10 or decreased costs resulting therefrom. The report shall also
11 include an explanation of services provided to children who were
12 the subjects of founded or indicated reports while receiving
13 child-care services. The department shall also describe its
14 actions in respect to the perpetrators of the abuse. The
15 department shall also provide a summary of the findings with
16 nonidentifying information about each case of child abuse or
17 neglect which has resulted in a child fatality or near fatality.

18 (b) Reports from county agencies.--To assist the department
19 in preparing its annual report, each county agency shall submit
20 a quarterly report to the department, including, at a minimum,
21 the following information, on an aggregate basis, regarding
22 general protective services, child protective services and
23 action under Subchapter C.1:

24 * * *

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

28 Section 6. Title 23 is amended by adding a section to read:
29 § 6386. Mandatory reporting of infants born and identified as
30 being affected by illegal substance abuse.

1 Health care providers who are involved in the delivery or
2 care of an infant who is born and identified as being affected
3 by illegal substance abuse or as having withdrawal symptoms
4 resulting from prenatal drug exposure shall immediately cause a
5 report to be made to the appropriate county agency. The county
6 agency shall provide or arrange for appropriate services for the
7 infant.

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