

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of
2006

INTRODUCED BY O'PAKE, TARTAGLIONE, MUSTO, BOSCOLA, C. WILLIAMS,
ORIE, RAFFERTY, FONTANA, LAVALLE, LOGAN, RHOADES, STOUT,
WOZNIAK, COSTA, KITCHEN, WASHINGTON, STACK AND BROWNE,
APRIL 19, 2006

REFERRED TO AGING AND YOUTH, APRIL 19, 2006

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, enacting provisions to comply with
3 Federal law relating to child abuse by further providing for
4 grounds for involuntary termination, for definitions relating
5 to child protective services and for release of information
6 in confidential reports; providing for citizen review panels;
7 further providing for annual reports to Governor and General
8 Assembly; and providing for mandatory reporting of infants
9 born and identified as being affected by illegal substance
10 abuse.

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

13 Section 1. Section 2511(a) of Title 23 of the Pennsylvania
14 Consolidated Statutes is amended by adding a paragraph to read:
15 § 2511. Grounds for involuntary termination.

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

19 * * *

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

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

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

5 (iii) an offense in another jurisdiction equivalent
6 to an offense in subparagraph (i) or (ii); or

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

9 * * *

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

12 § 6303. Definitions.

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

16 * * *

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

19 "Nonaccidental." A reasonably foreseeable injury that is the
20 result of an intentional act.

21 * * *

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

24 § 6340. Release of information in confidential reports.

25 (a) General rule.--Reports specified in section 6339
26 (relating to confidentiality of reports) shall only be made
27 available to:

28 (1) An authorized official of a county agency, a Federal
29 agency that has a need for such information to carry out its
30 responsibilities under law to protect children from abuse and

1 neglect or of an agency of another state that performs
2 protective services analogous to those services performed by
3 county agencies or the department in the course of the
4 official's duties, multidisciplinary team members assigned to
5 the case and duly authorized persons providing services
6 pursuant to section 6370(a) (relating to voluntary or court-
7 ordered services; findings of child abuse).

8 * * *

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

15 * * *

16 Section 4. Title 23 is amended by adding a section to read:
17 § 6343.1. Citizen review panels.

18 The department shall establish a minimum of three citizen
19 review panels to examine the policies, procedures and practices
20 of the child protective services system and shall issue an
21 annual report summarizing the activities and recommendations of
22 the panels and summarizing the department response to the
23 recommendations.

24 Section 5. Section 6347 of Title 23 is amended to read:

25 § 6347. Annual reports to Governor and General Assembly.

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

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

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

23 (1) The number of referrals received and referrals
24 accepted.

25 (2) The number of children over whom the agency
26 maintains continuing supervision.

27 (3) The number of cases which have been closed by the
28 agency.

29 (4) The services provided to children and their
30 families.

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

4 Section 6. Title 23 is amended by adding a section to read:

5 § 6386. Mandatory reporting of infants born and identified as
6 being affected by illegal substance abuse.

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

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