

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 262 Session of
2007

INTRODUCED BY TRUE, CALTAGIRONE, MUNDY, MAJOR, FRANKEL, BARRAR, BELFANTI, BEYER, BOYD, CAPPELLI, CLYMER, COX, CREIGHTON, CURRY, DeLUCA, DePASQUALE, EVERETT, FABRIZIO, FREEMAN, GALLOWAY, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRELL, GRUCELA, HARHART, HARPER, HARRIS, HENNESSEY, HESS, HICKERNELL, JOSEPHS, M. KELLER, KENNEY, KILLION, LEACH, MACKERETH, MANN, MARSICO, MILLARD, R. MILLER, MURT, NAILOR, M. O'BRIEN, PETRARCA, PETRI, PHILLIPS, PICKETT, QUIGLEY, RAPP, ROSS, RUBLEY, SAINATO, SAMUELSON, SANTONI, SCAVELLO, SCHRODER, SIPTROTH, SONNEY, STERN, STURLA, TANGRETTI, WATSON, J. WHITE, YOUNGBLOOD, YUDICHAK AND JAMES, FEBRUARY 6, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing, in child protective
3 services, for definitions, for release of information in
4 confidential reports, for investigating performance of county
5 agency, for reports to the Governor and General Assembly, for
6 services for prevention, investigation and treatment of child
7 abuse and for reports to Department of Public Welfare and
8 coroner.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 6303(a) of Title 23 of the Pennsylvania
12 Consolidated Statutes is amended by adding definitions to read:

13 § 6303. Definitions.

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

1 * * *

2 "Children's advocacy centers." Local public agencies in this
3 Commonwealth, and not-for-profit entities incorporated in this
4 Commonwealth that are tax exempt under section 501(c)(3) of the
5 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
6 501(c)(3)) or any successor provision, which operate within this
7 Commonwealth, for the primary purpose of providing a child-
8 focused, facility-based program dedicated to coordinating a
9 formalized multidisciplinary response to suspected child abuse,
10 that at a minimum, either onsite or through a partnership with
11 another entity or entities, assists county agencies,
12 investigative teams and law enforcement by providing services,
13 including forensic interviews, medical evaluations, therapeutic
14 interventions, victim support and advocacy, team case reviews
15 and a system for case tracking.

16 * * *

17 "Multidisciplinary response." A response to suspected child
18 abuse in which the county agency, law enforcement, prosecution,
19 victim support and advocacy agencies and medical and mental
20 health professionals cooperate pursuant to a written protocol to
21 provide coordinated intervention that assures that children are
22 connected to services necessary to provide for their safety,
23 health and well-being, and that as part of the coordinated
24 response, the children are interviewed regarding the suspected
25 child abuse in a coordinated and child-focused manner to avoid
26 duplication of fact-finding and to minimize additional trauma to
27 the children.

28 * * *

29 Section 2. Section 6340(a) of Title 23 is amended by adding
30 a paragraph to read:

1 § 6340. Release of information in confidential reports.

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

5 * * *

6 (17) A member of a child fatality or near fatality
7 review team under section 6365(d) (relating to services for
8 prevention, investigation and treatment of child abuse),
9 except for information that the district attorney determines
10 may compromise any pending criminal proceeding shall not be
11 shared with members of a child fatality or near fatality
12 review team.

13 * * *

14 Section 3. Sections 6343, 6347, 6365 and 6367 of Title 23
15 are amended by adding subsections to read:

16 § 6343. Investigating performance of county agency.

17 * * *

18 (c) Department reviews and reports.--

19 (1) The department shall conduct child fatality and near
20 fatality reviews and provide written reports on any child
21 fatality or near fatality where child abuse is suspected. An
22 explanation regarding the nature and extent of the review
23 shall be provided in each report.

24 (2) In cases where a county agency has investigated
25 child abuse or neglect reports related to the child or to
26 other children of either of the child's parents or has
27 provided protective or general protective services involving
28 the child or other children of either of the child's parents,
29 the department shall analyze the county agency's performance
30 in each review and report, including, but not limited to:

1 (i) The investigation of prior child abuse or
2 neglect reports.

3 (ii) Assessment of risk.

4 (iii) Acceptance of the family for services.

5 (iv) Provision of services.

6 (v) Case closure.

7 (vi) Compliance with this chapter and related
8 regulations.

9 (3) On and after the effective date of this paragraph,
10 the child fatality or near fatality review and report shall
11 be completed no later than six months following the date of
12 the oral report of suspected child abuse to the department. A
13 copy of each child fatality and near fatality report shall be
14 maintained in the appropriate Harrisburg office of the
15 department.

16 (4) Within 60 days of receipt of a report under section
17 6365(d)(4)(iv) (relating to services for prevention,
18 investigation and treatment of child abuse), the department
19 shall review the findings and recommendations of the report
20 and submit a written response to the county agency. By May 1,
21 the department shall prepare and transmit to the Governor and
22 General Assembly an annual summary of the reports and
23 responses under this paragraph.

24 § 6347. Reports to Governor and General Assembly.

25 * * *

26 (d) Reports on child fatalities and near fatalities.--The
27 department shall prepare and transmit annually to the Governor
28 and to the General Assembly a report on its findings and
29 recommendations regarding the child fatality and near fatality
30 reviews and reports conducted under section 6343(c) (relating to

1 investigating performance of county agency). The annual report
2 shall include, but not be limited to, the following:

3 (1) A breakdown of child fatalities and near fatalities
4 reviewed versus those not reviewed and a discussion
5 explaining the lack of reviews for some child fatalities and
6 near fatalities.

7 (2) An analysis of the regulatory compliance problems
8 identified in the course of the child fatality and near
9 fatality reviews and a discussion outlining the actions taken
10 by the department and the county agencies.

11 (3) An analysis of the practice or decision-making
12 problems identified in the course of the child fatality and
13 near fatality reviews and a discussion outlining the actions
14 taken by the department and the county agencies.

15 (4) The good practice, effective decision making and
16 regulatory compliance identified in the course of the child
17 fatality and near fatality reviews.

18 (5) The numbers of license revocations, provisional
19 licenses and full licenses given to county agencies reviewed
20 under section 6343(c).

21 (6) Recommendations for specific or systemic
22 administrative, regulatory or statutory change, including
23 improvement of the department's monitoring and inspection
24 process, necessary to fulfill the purposes of this chapter.

25 § 6365. Services for prevention, investigation and treatment of
26 child abuse.

27 * * *

28 (d) Child fatality and near fatality review team and written
29 report.--

30 (1) A child fatality or near fatality review team shall

1 be convened in cases where a child dies or nearly dies as a
2 result of substantiated child abuse or when the county agency
3 has not made a status determination within 30 days. The team
4 may convene after a substantiation is made and shall convene
5 not later than 31 days from the receipt of the oral report to
6 the department of the suspected child abuse. The county
7 agency shall convene a child fatality or near fatality review
8 team in the county where the abuse occurred and in any county
9 where the child resided within the 12 months preceding the
10 fatality or near fatality. The team shall consist of the
11 following individuals, who must have experience in working
12 with children and families:

13 (i) A staff person from the county agency.

14 (ii) A member of the advisory committee of the
15 county agency.

16 (iii) A representative of a private or public human
17 services agency.

18 (iv) A health care provider.

19 (v) A representative of a local school or
20 educational program.

21 (vi) A representative of law enforcement.

22 (vii) A lawyer trained in legal representation of
23 children or individual trained as a court-appointed
24 special advocate for children.

25 (viii) A mental health service provider.

26 (ix) The county multidisciplinary team coordinator.

27 (x) A children's advocacy center representative, who
28 is not an employee of a county agency if present in the
29 community.

30 (xi) The county coroner or forensic pathologist.

1 (xii) A resident of the county where the review is
2 being conducted.

3 (2) All members of the team shall assist in carrying out
4 the purpose of the team by doing all of the following:

5 (i) Maintaining confidentiality of information under
6 section 6340 (relating to release of information in
7 confidential reports).

8 (ii) Providing and discussing relevant case-specific
9 information from the member's records.

10 (iii) Attending and participating in all meetings
11 and activities as required.

12 (iv) Reviewing and responding to the report under
13 paragraph (4)(iv).

14 (3) The county agency shall appoint an individual to
15 serve as chairman who is not an employee of the county
16 agency.

17 (4) The purposes of the team shall be the following:

18 (i) Review the circumstances of the child's fatality
19 or near fatality resulting from suspected or
20 substantiated child abuse.

21 (ii) Review the delivery of services to the abused
22 child and the child's family provided by the county
23 agency in the county or counties where the child and
24 family have resided within the 12 months preceding the
25 fatality or near fatality and services provided to the
26 child and the child's family by other public and private
27 community agencies or professionals. This subparagraph
28 includes law enforcement, mental health services,
29 programs for children with special needs, drug and
30 alcohol programs, local schools and health care

1 providers.

2 (iii) Review the county agency's compliance with
3 statutes and regulations and with relevant policies and
4 procedures of the county agency.

5 (iv) Submit, within 90 days of convening, a written
6 report on its review to the department and designated
7 county officials under section 6340(a)(11). The report
8 shall be made available, upon request, to other
9 individuals to whom confidential reports may be released,
10 as specified by section 6340. The report and the
11 department's response shall be made available to the
12 public only if identifying information is removed from
13 the contents of the report. The report shall include:

14 (A) Deficiencies and strengths in:

15 (I) Compliance with statutes and
16 regulations.

17 (II) Services to children and families.

18 (B) Recommendations for changes at the State and
19 local level on all of the following:

20 (I) Reducing the likelihood of future child
21 fatalities and near fatalities directly related
22 to child abuse and neglect.

23 (II) Monitoring and inspection of county
24 agencies.

25 (III) Collaboration of community agencies
26 and service providers to prevent child abuse and
27 neglect.

28 § 6367. Reports to department and coroner.

29 * * *

30 (c) Reports of child death.--In addition to the child abuse

1 report required under subsection (a), a county agency shall
2 immediately provide information to the department regarding its
3 involvement with the child and with either of the child's
4 parents when a child dies or nearly dies and child abuse is
5 suspected. The county agency shall inform the department of any
6 history of protective or general protective services provided to
7 the child or to other children of either of the child's parents
8 by the county agency under this chapter or by court order and
9 shall inform the department if the child was in the agency's
10 custody at the time of the child's death. The county agency
11 shall provide this information in writing on forms provided by
12 the department within 48 hours of the oral report.

13 Section 4. The Department of Public Welfare shall promulgate
14 regulations necessary for implementing the amendment or addition
15 of 23 Pa.C.S. §§ 6303(a), 6340(a)(17), 6343(c), 6347(d), 6365(d)
16 and 6367(c).

17 Section 5. This act shall take effect in six months.