

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 823 Session of  
2007

INTRODUCED BY DERMODY, SOLOBAY, KILLION, MELIO, PALLONE, HARHAI, KOTIK, DALEY, WOJNAROSKI, READSHAW, MANN, SAYLOR, SIPTROTH, SAINATO, MUNDY, WALKO, PETRARCA, M. SMITH, BELFANTI, JOSEPHS, FRANKEL, CALTAGIRONE, KULA, HORNAMAN, DeLUCA, K. SMITH, YOUNGBLOOD AND MURT, MARCH 19, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 19, 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 agencies, for citizen review panels, for child abuse services  
6 and for reporting.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The definition of "nonaccidental" in section  
10 6303(a) of Title 23 of the Pennsylvania Consolidated Statutes,  
11 added November 9, 2006 (P.L.1358, No.146), is amended and the  
12 subsection is amended by adding a definition 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:

17 \* \* \*

18 "Children's advocacy center." A local public agency in this

1 Commonwealth and a not-for-profit entity incorporated in this  
2 Commonwealth which:

3 (1) is tax exempt under section 501(c)(3) of the  
4 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
5 501(c)(3)); and

6 (2) operates within this Commonwealth for the primary  
7 purpose of providing a child-focused, facility-based program  
8 dedicated to coordinating a formalized multidisciplinary  
9 response to suspected child abuse that, at a minimum, either  
10 onsite or through a partnership with another entity or  
11 entities, assists county agencies, investigative teams and  
12 law enforcement by providing services, including forensic  
13 interviews, medical evaluations, therapeutic interventions,  
14 victim support and advocacy, team case reviews and a system  
15 for case tracking.

16 \* \* \*

17 "Nonaccidental." [An injury that is the result of] Resulting  
18 from an intentional act that is committed with disregard of a  
19 substantial and unjustifiable risk.

20 \* \* \*

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

23 § 6340. Release of information in confidential reports.

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

27 \* \* \*

28 (17) A member of a child fatality or near fatality  
29 review team under section 6365(d). This paragraph does not  
30 include information which the district attorney determines

1 may compromise any pending criminal proceeding.

2 \* \* \*

3 Section 3. Section 6343 of Title 23 is amended by adding a  
4 subsection to read:

5 § 6343. Investigating performance of county agency.

6 \* \* \*

7 (c) Department reviews and reports of child fatalities and  
8 near fatalities.--

9 (1) The department shall conduct a child fatality and  
10 near fatality review and provide a written report on any  
11 child fatality or near fatality, if child abuse is suspected.

12 The department shall summarize:

13 (i) the nature and extent of its review;

14 (ii) statutory and regulatory compliance by the  
15 county agency in the county where:

16 (A) the fatality or near fatality occurred; and

17 (B) the child resided within the 16 months  
18 preceding the fatality or near fatality;

19 (iii) its findings and recommendations for reducing  
20 the likelihood of future child fatalities and near  
21 fatalities, resulting from child abuse.

22 (2) The department's child fatality or near fatality  
23 review shall be commenced immediately upon receipt of a  
24 report to the department that a child died or nearly died as  
25 a result of suspected child abuse. The department's child  
26 fatality or near fatality review and report shall be  
27 completed as soon as possible but no later than six months  
28 from receipt of the initial report of the child fatality or  
29 near fatality.

30 (3) Upon completion of the review and report, the

1 department's child fatality or near fatality report shall be  
2 made available to the county agency and designated county  
3 officials under section 6340(a)(11) (relating to release of  
4 information in confidential reports). The report shall be  
5 made available, upon request, to other individuals to whom  
6 confidential reports may be released, as specified by section  
7 6340. The report shall be made available to the public, but  
8 identifying information shall be removed from the contents of  
9 the report.

10 Section 4. Section 6343.1(a) of Title 23, added November 9,  
11 2006 (P.L.1358, No.146), is amended to read:

12 § 6343.1. Citizen review panels.

13 (a) Establishment.--The department shall establish a minimum  
14 of three citizen review panels. The department may designate a  
15 child fatality or near fatality review team under section  
16 6365(d) (relating to services for prevention, investigation and  
17 treatment of child abuse) as a citizen review panel as long as  
18 the team has the capacity to perform as a citizen review panel.

19 \* \* \*

20 Section 5. Sections 6365 and 6367 of Title 23 are amended by  
21 adding subsections to read:

22 § 6365. Services for prevention, investigation and treatment of  
23 child abuse.

24 \* \* \*

25 (d) Child fatality and near fatality review team and written  
26 report.--

27 (1) A child fatality or near fatality review team shall  
28 be convened by a county agency in a case when a child dies or  
29 nearly dies as a result of substantiated child abuse or when  
30 the county agency has not made a status determination within

1 30 days. The team may convene after a substantiation is made  
2 and shall convene no later than 31 days from the receipt of  
3 the oral report to the department of the suspected child  
4 abuse. The county agency shall convene a child fatality or  
5 near fatality review team in the county where the abuse  
6 occurred and in any county where the child resided within the  
7 16 months preceding the fatality or near fatality. The team  
8 shall consist of individuals who are broadly representative  
9 of the county where the team is established and who have  
10 expertise in prevention and treatment of child abuse. The  
11 team shall include:

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

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

15 (iii) A representative of a private or public human  
16 services agency other than the county agency.

17 (iv) A health care provider.

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

20 (vi) A representative of law enforcement.

21 (vii) A lawyer trained in legal representation of  
22 children or an individual trained under 42 Pa.C.S § 6342  
23 (relating to court-appointed special advocates).

24 (viii) A mental health service provider.

25 (ix) A representative of a children's advocacy  
26 center that provides services to children in the county.  
27 The individual under this subparagraph must not be an  
28 employee of the county agency.

29 (x) The county coroner or forensic pathologist.

30 (xi) A resident of the county where the review is

1 being conducted.

2 (xii) A representative of a local domestic violence  
3 program.

4 (2) Members of the team shall be responsible for all of  
5 the following:

6 (i) Maintaining confidentiality of information under  
7 section 6340.

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) Assisting in the development of the report  
13 under paragraph (4)(iv).

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

16 (4) The team shall perform the following:

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

20 (ii) Review the delivery of services to the abused  
21 child and the child's family provided by the county  
22 agency in each county where the child and family have  
23 resided within the 16 months preceding the fatality or  
24 near fatality and the services provided to the child and  
25 the child's family by other public and private community  
26 agencies or professionals. This subparagraph includes law  
27 enforcement, mental health services, programs for young  
28 children and children with special needs, drug and  
29 alcohol programs, local schools and health care  
30 providers.

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

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

14                   (A) Deficiencies and strengths in:

15                           (I) compliance with statutes and  
16                           regulations; and

17                           (II) services to children and families.

18                   (B) Recommendations for changes at the State and  
19                   local levels on:

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; and

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

28          (e) Response by department.--Within 60 days of receipt of a  
29          report of a child fatality or near fatality under subsection  
30          (d), the department shall review the findings and

1 recommendations of the report and provide a written response to  
2 the county agency and the child fatality review team or near  
3 fatality review team.

4 § 6367. Reports to department and coroner.

5 \* \* \*

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

18 Section 6. This act shall take effect in 180 days.