

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1022 Session of 2007

INTRODUCED BY STURLA, CALTAGIRONE, BIANCUCCI, DENLINGER, CAUSER, CURRY, CUTLER, DALLY, FRANKEL, FREEMAN, GOODMAN, HARHAI, HENNESSEY, KILLION, MANN, RAPP, RAYMOND, SCAVELLO, SIPTROTH, SOLOBAY, SONNEY, STABACK, WALKO, WATSON, YOUNGBLOOD AND HARPER, APRIL 5, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 24, 2008

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for release of
3 information in confidential reports and for investigation of
4 reports of suspected child abuse by county agencies.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 6340(a) of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended by adding a paragraph <—

9 PARAGRAPHS to read: <—

10 § 6340. Release of information in confidential reports.

11 (a) General rule.--Reports specified in section 6339
12 (relating to confidentiality of reports) shall only be made
13 available to:

14 * * *

15 (17) The employer of a child-care service employee,
16 service provider, administrator or school employee who has
17 been determined to be the perpetrator of a founded or <—

~~indicated report of child abuse~~ REPORT OR AN INDICATED REPORT
AFTER FINAL ADMINISTRATIVE DETERMINATION BY THE DEPARTMENT.
Information permitted to be released to an employer under
this paragraph shall be limited to the final status of the
child abuse report following the investigation and
disposition on appeal, if granted. TO FACTS RELATED TO THE
EMPLOYEE'S SUITABILITY IN THE WORKPLACE AND TO THE PROTECTION
OF THE HEALTH, SAFETY AND WELFARE OF THE CHILDREN IN THE
EMPLOYEE'S WORKPLACE.

(18) THE SECRETARY OF EDUCATION OR HIS DESIGNEE.
INFORMATION UNDER THIS PARAGRAPH SHALL BE LIMITED TO FACTS
RELATED TO AN EMPLOYEE'S SUITABILITY IN THE WORKPLACE AND TO
THE PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF THE
CHILDREN IN THE EMPLOYEE'S WORKPLACE.

* * *

Section 2. Section 6368 of Title 23 is amended by adding a
~~subsection~~ SUBSECTIONS to read:

§ 6368. Investigation of reports.

* * *

(e) Notice of founded or indicated report to certain
employers.--Where the county agency determines that a complaint
of suspected abuse is a founded or indicated report AFTER FINAL
ADMINISTRATIVE DETERMINATION BY THE DEPARTMENT, involving a
perpetrator who is a child-care service employee, service
provider, administrator or school employee, the county agency
shall notify the employer, if the identity of the employer is
known to the county agency, in writing of the ~~existence of the~~
~~founded or indicated report~~. INFORMATION WHICH MAY BE DISCLOSED
UNDER SECTION 6340(A)(17) (RELATING TO RELEASE OF INFORMATION IN
CONFIDENTIAL REPORTS).

1 (F) NOTICE OF FOUNDED OR INDICATED REPORT TO SECRETARY OF
2 EDUCATION.--WHERE THE COUNTY AGENCY DETERMINES THAT A COMPLAINT
3 OF SUSPECTED ABUSE IS A FOUNDED REPORT OR AN INDICATED REPORT
4 AFTER FINAL ADMINISTRATIVE DETERMINATION BY THE DEPARTMENT,
5 INVOLVING A PERPETRATOR WHO IS A CHARTER OR CYBER CHARTER SCHOOL
6 STAFF MEMBER OR IS CERTIFIED AS A TEACHER, EDUCATIONAL
7 SPECIALIST OR AN ADMINISTRATOR IN THIS COMMONWEALTH AS DEFINED
8 IN THE ACT OF DECEMBER 12, 1973 (P.L.397, NO.141), KNOWN AS THE
9 PROFESSIONAL EDUCATOR DISCIPLINE ACT, THE COUNTY AGENCY SHALL
10 NOTIFY THE SECRETARY OF EDUCATION OR HIS DESIGNEE, IN WRITING OF
11 THE INFORMATION WHICH MAY BE DISCLOSED UNDER SECTION
12 6340(A)(18).

13 Section 3. This act shall take effect in 60 days.