
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1026 Session of
2007

INTRODUCED BY VANCE, GORDNER, BAKER, O'PAKE, BOSCOLA, TOMLINSON,
COSTA, FOLMER, LAVALLE, MELLOW, ORIE, RAFFERTY, WONDERLING
AND FERLO, JULY 10, 2007

REFERRED TO AGING AND YOUTH, JULY 10, 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:

17 * * *

18 "Children's advocacy centers." Local public agencies in this
19 Commonwealth, and not-for-profit entities incorporated in this
20 Commonwealth that are tax exempt under section 501(c)(3) of the

1 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
2 501(c)(3)) or any successor provision, which operate within this
3 Commonwealth, for the primary purpose of providing a child-
4 focused, facility-based program dedicated to coordinating a
5 formalized multidisciplinary response to suspected child abuse,
6 that at a minimum, either onsite or through a partnership with
7 another entity or entities, assists county agencies,
8 investigative teams and law enforcement by providing services,
9 including forensic interviews, medical evaluations, therapeutic
10 interventions, victim support and advocacy, team case reviews
11 and a system for case tracking.

12 * * *

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

24 * * *

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

27 § 6340. Release of information in confidential reports.

28 (a) General rule.--Reports specified in section 6339
29 (relating to confidentiality of reports) shall only be made
30 available to:

1 * * *

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

9 * * *

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

12 § 6343. Investigating performance of county agency.

13 * * *

14 (c) Department reviews and reports.--

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

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

27 (i) The investigation of prior child abuse or
28 neglect reports.

29 (ii) Assessment of risk.

30 (iii) Acceptance of the family for services.

1 (iv) Provision of services.

2 (v) Case closure.

3 (vi) Compliance with this chapter and related
4 regulations.

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

12 (4) Within 60 days of receipt of a report under section
13 6365(d)(4)(iv) (relating to services for prevention,
14 investigation and treatment of child abuse), the department
15 shall review the findings and recommendations of the report
16 and submit a written response to the county agency. By May 1,
17 the department shall prepare and transmit to the Governor and
18 General Assembly an annual summary of the reports and
19 responses under this paragraph.

20 § 6347. Reports to Governor and General Assembly.

21 * * *

22 (d) Reports on child fatalities and near fatalities.--The
23 department shall prepare and transmit annually to the Governor
24 and to the General Assembly a report on its findings and
25 recommendations regarding the child fatality and near fatality
26 reviews and reports conducted under section 6343(c) (relating to
27 investigating performance of county agency). The annual report
28 shall include, but not be limited to, the following:

29 (1) A breakdown of child fatalities and near fatalities
30 reviewed versus those not reviewed and a discussion

1 explaining the lack of reviews for some child fatalities and
2 near fatalities.

3 (2) An analysis of the regulatory compliance problems
4 identified in the course of the child fatality and near
5 fatality reviews and a discussion outlining the actions taken
6 by the department and the county agencies.

7 (3) An analysis of the practice or decision-making
8 problems identified in the course of the child fatality and
9 near fatality reviews and a discussion outlining the actions
10 taken by the department and the county agencies.

11 (4) The good practice, effective decision making and
12 regulatory compliance identified in the course of the child
13 fatality and near fatality reviews.

14 (5) The numbers of license revocations, provisional
15 licenses and full licenses given to county agencies reviewed
16 under section 6343(c).

17 (6) Recommendations for specific or systemic
18 administrative, regulatory or statutory change, including
19 improvement of the department's monitoring and inspection
20 process, necessary to fulfill the purposes of this chapter.

21 § 6365. Services for prevention, investigation and treatment of
22 child abuse.

23 * * *

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

26 (1) A child fatality or near fatality review team shall
27 be convened in cases where a child dies or nearly dies as a
28 result of substantiated child abuse or when the county agency
29 has not made a status determination within 30 days. The team
30 may convene after a substantiation is made and shall convene

1 not later than 31 days from the receipt of the oral report to
2 the department of the suspected child abuse. The county
3 agency shall convene a child fatality or near fatality review
4 team in the county where the abuse occurred and in any county
5 where the child resided within the 12 months preceding the
6 fatality or near fatality. The team shall consist of the
7 following individuals, who must have experience in working
8 with children and families:

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

10 (ii) A member of the advisory committee of the
11 county agency.

12 (iii) A representative of a private or public human
13 services agency.

14 (iv) A health care provider.

15 (v) A representative of a local school or
16 educational program.

17 (vi) A representative of law enforcement.

18 (vii) A lawyer trained in legal representation of
19 children or individual trained as a court-appointed
20 special advocate for children.

21 (viii) A mental health service provider.

22 (ix) The county multidisciplinary team coordinator.

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

26 (xi) The county coroner or forensic pathologist.

27 (xii) A resident of the county where the review is
28 being conducted.

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

1 (i) Maintaining confidentiality of information under
2 section 6340 (relating to release of information in
3 confidential reports).

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

6 (iii) Attending and participating in all meetings
7 and activities as required.

8 (iv) Reviewing and responding to the report under
9 paragraph (4)(iv).

10 (3) The county agency shall appoint an individual to
11 serve as chairman who is not an employee of the county
12 agency.

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

14 (i) Review the circumstances of the child's fatality
15 or near fatality resulting from suspected or
16 substantiated child abuse.

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

28 (iii) Review the county agency's compliance with
29 statutes and regulations and with relevant policies and
30 procedures of the county agency.

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

10 (A) Deficiencies and strengths in:

11 (I) Compliance with statutes and
12 regulations.

13 (II) Services to children and families.

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

16 (I) Reducing the likelihood of future child
17 fatalities and near fatalities directly related
18 to child abuse and neglect.

19 (II) Monitoring and inspection of county
20 agencies.

21 (III) Collaboration of community agencies
22 and service providers to prevent child abuse and
23 neglect.

24 § 6367. Reports to department and coroner.

25 * * *

26 (c) Reports of child death.--In addition to the child abuse
27 report required under subsection (a), a county agency shall
28 immediately provide information to the department regarding its
29 involvement with the child and with either of the child's
30 parents when a child dies or nearly dies and child abuse is

1 suspected. The county agency shall inform the department of any
2 history of protective or general protective services provided to
3 the child or to other children of either of the child's parents
4 by the county agency under this chapter or by court order and
5 shall inform the department if the child was in the agency's
6 custody at the time of the child's death. The county agency
7 shall provide this information in writing on forms provided by
8 the department within 48 hours of the oral report.

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

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