

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, FERLO, C. WILLIAMS, BROWNE AND REGOLA, JULY 10, 2007

SENATOR VANCE, AGING AND YOUTH, AS AMENDED, DECEMBER 11, 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. PROVIDING FOR THE DEFINITION OF "CHILDREN'S ADVOCACY <—
9 CENTERS"; FURTHER PROVIDING FOR IMMUNITY FROM LIABILITY, FOR
10 RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS, FOR STUDIES
11 OF DATA IN RECORDS, FOR INVESTIGATING PERFORMANCE OF COUNTY
12 AGENCY, FOR CITIZEN REVIEW PANELS, FOR SERVICES FOR
13 PREVENTION, INVESTIGATION AND TREATMENT OF CHILD ABUSE AND
14 FOR REPORTS TO DEPARTMENT AND CORONER; AND PROVIDING FOR
15 RELEASE OF REPORTS.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 6303(a) of Title 23 of the Pennsylvania
19 Consolidated Statutes is amended by adding definitions A <—
20 DEFINITION to read:

21 § 6303. Definitions.

22 (a) General rule.--The following words and phrases when used
23 in this chapter shall have the meanings given to them in this
24 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 6318(A) OF TITLE 23 IS AMENDED TO READ: <—  
30 § 6318. IMMUNITY FROM LIABILITY.

1 (A) GENERAL RULE.--A PERSON, HOSPITAL, INSTITUTION, SCHOOL,  
2 FACILITY, AGENCY OR AGENCY EMPLOYEE THAT PARTICIPATES IN GOOD  
3 FAITH IN THE MAKING OF A REPORT, WHETHER REQUIRED OR NOT,  
4 COOPERATING WITH AN INVESTIGATION, INCLUDING PROVIDING  
5 INFORMATION TO A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM,  
6 TESTIFYING IN A PROCEEDING ARISING OUT OF AN INSTANCE OF  
7 SUSPECTED CHILD ABUSE, THE TAKING OF PHOTOGRAPHS OR THE REMOVAL  
8 OR KEEPING OF A CHILD PURSUANT TO SECTION 6315 (RELATING TO  
9 TAKING CHILD INTO PROTECTIVE CUSTODY), AND ANY OFFICIAL OR  
10 EMPLOYEE OF A COUNTY AGENCY WHO REFERS A REPORT OF SUSPECTED  
11 ABUSE TO LAW ENFORCEMENT AUTHORITIES OR PROVIDES SERVICES UNDER  
12 THIS CHAPTER, SHALL HAVE IMMUNITY FROM CIVIL AND CRIMINAL  
13 LIABILITY THAT MIGHT OTHERWISE RESULT BY REASON OF THOSE  
14 ACTIONS.

15 \* \* \*

16 Section ~~2~~ 3. Section 6340(a) of Title 23 is amended by <—  
17 adding a ~~paragraph~~ PARAGRAPHS to read: <—

18 § 6340. Release of information in confidential reports.

19 (a) General rule.--Reports specified in section 6339  
20 (relating to confidentiality of reports) shall only be made  
21 available to:

22 \* \* \*

23 (17) A member of a child fatality or near fatality  
24 review team under section 6365(d) (relating to services for  
25 prevention, investigation and treatment of child abuse),  
26 except for information that the district attorney determines  
27 may compromise any pending criminal proceeding shall not be  
28 shared with members of a child fatality or near fatality  
29 review team.

30 (18) A MEMBER OF A LOCAL PUBLIC HEALTH CHILD DEATH <—

1        REVIEW TEAM.

2        \* \* \*

3        ~~Section 3. Sections 6343, 6347, 6365 and 6367 of Title 23~~        <—  
4        ~~are amended by adding subsections to read:~~

5        SECTION 4. SECTION 6342 OF TITLE 23 IS AMENDED TO READ:        <—  
6        § 6342. STUDIES OF DATA IN RECORDS.

7        (A) STUDIES.--THE DEPARTMENT MAY CONDUCT OR AUTHORIZE THE  
8        CONDUCTING OF STUDIES OF THE DATA CONTAINED IN THE PENDING  
9        COMPLAINT FILE AND THE STATEWIDE CENTRAL REGISTER AND COUNTY  
10       AGENCIES AND DISTRIBUTE THE RESULTS OF THE STUDIES. NO STUDY MAY  
11       CONTAIN THE NAME OR OTHER INFORMATION BY WHICH A SUBJECT OF A  
12       REPORT COULD BE IDENTIFIED. THE DEPARTMENT MAY ALLOW FEDERAL  
13       AUDITORS ACCESS TO NONIDENTIFIABLE DUPLICATES OF REPORTS IN THE  
14       PENDING COMPLAINT FILE AND THE STATEWIDE CENTRAL REGISTER IF  
15       REQUIRED FOR FEDERAL FINANCIAL PARTICIPATION IN FUNDING OF  
16       AGENCIES.

17       (B) DATA FORM.--THE DEPARTMENT SHALL DEVELOP A DATA FORM TO  
18       FACILITATE THE COLLECTION OF STATISTICAL AND DEMOGRAPHIC  
19       INFORMATION FROM A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM  
20       AND A COUNTY AGENCY, WHICH CAN BE INCORPORATED INTO A STUDY  
21       CONDUCTED BY THE DEPARTMENT.

22       SECTION 5. SECTION 6343 OF TITLE 23 IS AMENDED BY ADDING A  
23       SUBSECTION TO READ:

24       § 6343. Investigating performance of county agency.

25       \* \* \*

26       (c) Department reviews and reports.--

27       (1) The department shall conduct child fatality and near  
28       fatality reviews and provide written reports on any child  
29       fatality or near fatality where child abuse is suspected. An       <—  
30       explanation regarding the nature and extent of the review

1 ~~shall be provided in each report.~~

2 ~~(2) In cases where a county agency has investigated~~  
3 ~~child abuse or neglect reports related to the child or to~~  
4 ~~other children of either of the child's parents or has~~  
5 ~~provided protective or general protective services involving~~  
6 ~~the child or other children of either of the child's parents,~~  
7 ~~the department shall analyze the county agency's performance~~  
8 ~~in each review and report, including, but not limited to:~~

9 ~~(i) The investigation of prior child abuse or~~  
10 ~~neglect reports.~~

11 ~~(ii) Assessment of risk.~~

12 ~~(iii) Acceptance of the family for services.~~

13 ~~(iv) Provision of services.~~

14 ~~(v) Case closure.~~

15 ~~(vi) Compliance with this chapter and related~~  
16 ~~regulations.~~

17 ~~(3) On and after the effective date of this paragraph,~~  
18 ~~the child fatality or near fatality review and report shall~~  
19 ~~be completed no later than six months following the date of~~  
20 ~~the oral report of suspected child abuse to the department. A~~  
21 ~~copy of each child fatality and near fatality report shall be~~  
22 ~~maintained in the appropriate Harrisburg office of the~~  
23 ~~department.~~

24 ~~(4) Within 60 days of receipt of a report under section~~  
25 ~~6365(d)(4)(iv) (relating to services for prevention,~~  
26 ~~investigation and treatment of child abuse), the department~~  
27 ~~shall review the findings and recommendations of the report~~  
28 ~~and submit a written response to the county agency. By May 1,~~  
29 ~~the department shall prepare and transmit to the Governor and~~  
30 ~~General Assembly an annual summary of the reports and~~

1 ~~responses under this paragraph.~~

2 ~~§ 6347. Reports to Governor and General Assembly.~~

3 \* \* \*

4 ~~(d) Reports on child fatalities and near fatalities. The~~  
5 ~~department shall prepare and transmit annually to the Governor~~  
6 ~~and to the General Assembly a report on its findings and~~  
7 ~~recommendations regarding the child fatality and near fatality~~  
8 ~~reviews and reports conducted under section 6343(c) (relating to~~  
9 ~~investigating performance of county agency). The annual report~~  
10 ~~shall include, but not be limited to, the following:~~

11 ~~(1) A breakdown of child fatalities and near fatalities~~  
12 ~~reviewed versus those not reviewed and a discussion~~  
13 ~~explaining the lack of reviews for some child fatalities and~~  
14 ~~near fatalities.~~

15 ~~(2) An analysis of the regulatory compliance problems~~  
16 ~~identified in the course of the child fatality and near~~  
17 ~~fatality reviews and a discussion outlining the actions taken~~  
18 ~~by the department and the county agencies.~~

19 ~~(3) An analysis of the practice or decision making~~  
20 ~~problems identified in the course of the child fatality and~~  
21 ~~near fatality reviews and a discussion outlining the actions~~  
22 ~~taken by the department and the county agencies.~~

23 ~~(4) The good practice, effective decision making and~~  
24 ~~regulatory compliance identified in the course of the child~~  
25 ~~fatality and near fatality reviews.~~

26 ~~(5) The numbers of license revocations, provisional~~  
27 ~~licenses and full licenses given to county agencies reviewed~~  
28 ~~under section 6343(c).~~

29 ~~(6) Recommendations for specific or systemic~~  
30 ~~administrative, regulatory or statutory change, including~~

~~improvement of the department's monitoring and inspection process, necessary to fulfill the purposes of this chapter.~~

THE DEPARTMENT SHALL SUMMARIZE:

(I) THE NATURE AND EXTENT OF ITS REVIEW;

(II) STATUTORY AND REGULATORY COMPLIANCE BY THE COUNTY AGENCY IN THE COUNTY WHERE:

(A) THE FATALITY OR NEAR FATALITY OCCURRED; AND

(B) THE CHILD RESIDED WITHIN THE 16 MONTHS PRECEDING THE FATALITY OR NEAR FATALITY;

(III) ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING THE LIKELIHOOD OF FUTURE CHILD FATALITIES AND NEAR FATALITIES, RESULTING FROM CHILD ABUSE.

(2) THE DEPARTMENT'S CHILD FATALITY OR NEAR FATALITY REVIEW SHALL BE COMMENCED IMMEDIATELY UPON RECEIPT OF A REPORT TO THE DEPARTMENT THAT A CHILD DIED OR NEARLY DIED AS A RESULT OF SUSPECTED CHILD ABUSE. THE DEPARTMENT SHALL PROVIDE ASSISTANCE AND RELEVANT INFORMATION TO THE CHILD FATALITY OR NEAR FATALITY REVIEW TEAM AND ATTEMPT TO COORDINATE ITS FACT-FINDING EFFORTS AND INTERVIEWS WITH THE TEAM TO AVOID DUPLICATION. THE DEPARTMENT'S CHILD FATALITY OR NEAR FATALITY REVIEW AND REPORT SHALL BE COMPLETED AS SOON AS POSSIBLE BUT NO LATER THAN SIX MONTHS FROM RECEIPT OF THE INITIAL REPORT OF THE CHILD FATALITY OR NEAR FATALITY.

SECTION 6. SECTION 6343.1(A) AND (B)(2)(II) OF TITLE 23 ARE AMENDED TO READ:

§ 6343.1. CITIZEN REVIEW PANELS.

(A) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH A MINIMUM OF THREE CITIZEN REVIEW PANELS. THE DEPARTMENT MAY DESIGNATE A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM UNDER SECTION 6365(D) (RELATING TO SERVICES FOR PREVENTION, INVESTIGATION AND

1 TREATMENT OF CHILD ABUSE) AS A CITIZEN REVIEW PANEL AS LONG AS  
2 THE TEAM HAS THE CAPACITY TO PERFORM AS A CITIZEN REVIEW PANEL.

3 (B) FUNCTION.--THE PANELS SHALL EXAMINE ALL OF THE  
4 FOLLOWING:

5 \* \* \*

6 (2) OTHER CRITERIA THE PANEL CONSIDERS IMPORTANT TO  
7 ENSURE THE PROTECTION OF CHILDREN, INCLUDING:

8 \* \* \*

9 (II) A REVIEW OF CHILD FATALITIES AND NEAR  
10 FATALITIES[.], INCLUDING, BUT NOT LIMITED TO, A REVIEW OF  
11 ANY CHILD FATALITY OR NEAR FATALITY INVOLVING A CHILD IN  
12 THE CUSTODY OF A PUBLIC OR PRIVATE AGENCY WHERE THERE IS  
13 NO REPORT OF SUSPECTED CHILD ABUSE AND THE CAUSE OF DEATH  
14 IS NEITHER THE RESULT OF CHILD ABUSE NOR NATURAL CAUSES.

15 \* \* \*

16 SECTION 7. SECTIONS 6365 AND 6367 OF TITLE 23 ARE AMENDED BY  
17 ADDING SUBSECTIONS TO READ:

18 § 6365. Services for prevention, investigation and treatment of  
19 child abuse.

20 \* \* \*

21 (d) Child fatality and near fatality review team and written  
22 report.--

23 (1) A child fatality or near fatality review team shall  
24 be convened BY A COUNTY AGENCY IN ACCORDANCE WITH A PROTOCOL ←  
25 DEVELOPED BY THE COUNTY AGENCY, THE DEPARTMENT AND THE  
26 DISTRICT ATTORNEY in cases where a child dies or nearly dies  
27 as a result of substantiated child abuse or when the county  
28 agency has not made a status determination within 30 days.  
29 The team may convene after a substantiation is made and shall  
30 convene not later than 31 days from the receipt of the oral



report to the department of the suspected child abuse. The  
county agency shall convene a child fatality or near fatality  
review team in the county where the abuse occurred and in any  
county where the child resided within the 12 16 months <—  
preceding the fatality or near fatality. The team shall <—  
consist of the following individuals, who must have  
experience in working with children and families:

(i) A staff person from the county agency.

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

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

(iv) A health care provider.

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

(vi) A representative of law enforcement.

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

(viii) A mental health service provider.

(ix) The county multidisciplinary team coordinator.

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

(xi) The county coroner or forensic pathologist.

(xii) A resident of the county where the review is  
being conducted. FATALITY OR NEAR FATALITY. THE TEAM <—

SHALL CONSIST OF AT LEAST SIX INDIVIDUALS WHO ARE BROADLY  
REPRESENTATIVE OF THE COUNTY WHERE THE TEAM IS  
ESTABLISHED AND WHO HAVE EXPERTISE IN PREVENTION AND

1 TREATMENT OF CHILD ABUSE. WITH CONSIDERATION GIVEN TO THE  
2 CIRCUMSTANCES OF EACH CASE AND AVAILABILITY OF  
3 INDIVIDUALS TO SERVE AS MEMBERS, THE TEAM MAY CONSIST OF  
4 THE FOLLOWING INDIVIDUALS:

5 (I) A STAFF PERSON FROM THE COUNTY AGENCY.

6 (II) A MEMBER OF THE ADVISORY COMMITTEE OF THE  
7 COUNTY AGENCY.

8 (III) A REPRESENTATIVE OF A LOCAL DOMESTIC VIOLENCE  
9 PROGRAM.

10 (IV) A HEALTH CARE PROFESSIONAL.

11 (V) A REPRESENTATIVE OF A LOCAL SCHOOL, EDUCATIONAL  
12 PROGRAM OR CHILD CARE OR EARLY CHILDHOOD DEVELOPMENT  
13 PROGRAM.

14 (VI) A REPRESENTATIVE OF LAW ENFORCEMENT OR THE  
15 DISTRICT ATTORNEY.

16 (VII) A LAWYER TRAINED IN LEGAL REPRESENTATION OF  
17 CHILDREN OR AN INDIVIDUAL TRAINED UNDER 42 PA.C.S. § 6342  
18 (RELATING TO COURT-APPOINTED SPECIAL ADVOCATES).

19 (VIII) A MENTAL HEALTH SERVICE PROFESSIONAL.

20 (IX) A REPRESENTATIVE OF A LOCAL DRUG AND ALCOHOL  
21 PROGRAM.

22 (X) A REPRESENTATIVE OF A CHILDREN'S ADVOCACY CENTER  
23 THAT PROVIDES SERVICES TO CHILDREN IN THE COUNTY. THE  
24 INDIVIDUAL UNDER THIS SUBPARAGRAPH MUST NOT BE AN  
25 EMPLOYEE OF THE COUNTY AGENCY.

26 (XI) THE COUNTY CORONER OR FORENSIC PATHOLOGIST.

27 (XII) AN INDIVIDUAL REPRESENTING PARENTS.

28 (XIII) ANY INDIVIDUAL WHOM THE COUNTY AGENCY OR  
29 CHILD FATALITY OR NEAR FATALITY REVIEW TEAM DETERMINES IS  
30 NECESSARY TO ASSIST THE TEAM IN PERFORMING ITS DUTIES.

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

3           (i) Maintaining confidentiality of information under  
4 section SECTIONS 6339 (RELATING TO CONFIDENTIALITY OF <—  
5 REPORTS) AND 6340 (relating to release of information in  
6 confidential reports).

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

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

11           (iv) Reviewing and responding to the report under  
12 paragraph ~~(4)(iv)~~ (4)(V). <—

13           (3) The county agency, IN ACCORDANCE WITH THE PROTOCOL <—  
14 AND IN CONSULTATION WITH THE TEAM, shall appoint an  
15 individual to serve as chairman who is not an employee of the  
16 county agency.

17           (4) The purposes of the team shall be TEAM SHALL PERFORM <—  
18 the following:

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

22           (ii) Review the delivery of services to the abused  
23 child and the child's family provided by the county  
24 agency in the county or counties where the child and  
25 family have resided within the ~~12~~ 16 months preceding the <—  
26 fatality or near fatality and services provided to the  
27 child and the child's family, THE CHILD'S FAMILY AND THE <—  
28 PERPETRATOR by other public and private community  
29 agencies or professionals. This subparagraph includes law  
30 enforcement, mental health services, PROGRAMS FOR YOUNG <—

1 CHILDREN, programs for children with special needs, drug  
2 and alcohol programs, local schools and health care  
3 providers.

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

7 ~~(iv)~~ (IV) REVIEW RELEVANT COURT RECORDS AND <—  
8 DOCUMENTS RELATED TO AN ABUSED CHILD AND THE CHILD'S  
9 FAMILY.

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

19 (A) Deficiencies and strengths in:

20 (I) Compliance with statutes and  
21 regulations.

22 (II) Services to children and families.

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

25 (I) Reducing the likelihood of future child  
26 fatalities and near fatalities directly related  
27 to child abuse and neglect.

28 (II) Monitoring and inspection of county  
29 agencies.

30 (III) Collaboration of community agencies

1 and service providers to prevent child abuse and  
2 neglect.

3 (E) RESPONSE BY DEPARTMENT.--WITHIN 45 DAYS OF RECEIPT OF A <—  
4 REPORT OF A CHILD FATALITY OR NEAR FATALITY UNDER SUBSECTION  
5 (D), THE DEPARTMENT SHALL REVIEW THE FINDINGS AND  
6 RECOMMENDATIONS OF THE REPORT AND PROVIDE A WRITTEN RESPONSE TO  
7 THE COUNTY AGENCY AND THE CHILD FATALITY REVIEW TEAM OR NEAR  
8 FATALITY REVIEW TEAM.

9 (F) CONSTRUCTION.--THE PROVISIONS OF THIS SECTION SHALL BE  
10 CONSTRUED TO ASSIST IN THE IMPROVEMENT OF SERVICES DESIGNED TO  
11 IDENTIFY AND PREVENT CHILD ABUSE. THE PROVISIONS SHALL NOT BE  
12 CONSTRUED TO IMPEDE OR INTERFERE WITH CRIMINAL PROSECUTIONS OF  
13 PERSONS WHO HAVE COMMITTED CHILD ABUSE.

14 § 6367. Reports to department and coroner.

15 \* \* \*

16 (c) Reports of child death. <—  
17 ~~In addition to the child abuse~~ <—  
18 ~~report required under subsection (a), a FATALITY OR NEAR~~ <—  
19 FATALITY.--A county agency shall immediately provide information  
20 to the department regarding its involvement with the child and  
21 ~~with either of the child's parents~~ THE CHILD'S PARENT, GUARDIAN <—  
22 OR CUSTODIAN when a child dies or nearly dies and child abuse is  
23 suspected. The county agency shall inform the department of any  
24 history of protective or general protective services provided to  
25 ~~the child or to other children of either of the child's parents~~ <—  
26 THE CHILD'S PARENT, GUARDIAN OR CUSTODIAN by the county agency <—  
27 under this chapter or by court order and shall inform the  
28 department if the child was in the agency's custody at the time  
29 of the child's NEAR FATALITY OR death. The county agency shall <—  
30 provide this information in writing on forms provided by the  
department within 48 hours of the oral report.

1       ~~Section 4. The Department of Public Welfare shall promulgate~~ <—  
2 ~~regulations necessary for implementing the amendment or addition~~  
3 ~~of 23 Pa.C.S. §§ 6303(a), 6340(a)(17), 6343(c), 6347(d), 6365(d)~~  
4 ~~and 6367(c).~~

5       SECTION 8. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ: <—  
6       § 6387. RELEASE OF REPORTS.

7       (A) CONTENTS.--PRIOR TO COMPLETING ITS REPORT, UNDER SECTION  
8 6343(C) (RELATING TO INVESTIGATING PERFORMANCE OF COUNTY  
9 AGENCY), THE DEPARTMENT MAY RELEASE THE FOLLOWING INFORMATION TO  
10 THE PUBLIC CONCERNING A CHILD WHO DIED OR NEARLY DIED AS A  
11 RESULT OF SUSPECTED OR SUBSTANTIATED CHILD ABUSE:

12           (1) THE IDENTITY OF THE CHILD.

13           (2) IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC OR  
14 PRIVATE AGENCY, THE IDENTITY OF THE AGENCY.

15           (3) THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY UNDER  
16 CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES TO THE  
17 CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME PRIOR TO THE  
18 CHILD'S DEATH OR NEAR FATALITY.

19           (4) A DESCRIPTION OF SERVICES PROVIDED UNDER PARAGRAPH  
20 (3).

21           (5) THE IDENTITY OF THE COUNTY AGENCY THAT CONVENED A  
22 CHILD FATALITY OR NEAR FATALITY REVIEW TEAM WITH RESPECT TO  
23 THE CHILD.

24       (B) AVAILABILITY TO CERTAIN GROUPS.--

25           (1) UPON COMPLETION OF THE REVIEW AND REPORT UNDER  
26 SECTION 6343(C), THE DEPARTMENT'S CHILD FATALITY OR NEAR  
27 FATALITY REPORT SHALL BE MADE AVAILABLE TO THE COUNTY AGENCY,  
28 THE CHILD FATALITY OR NEAR FATALITY REVIEW TEAM AND  
29 DESIGNATED COUNTY OFFICIALS UNDER SECTION 6340(A)(11)  
30 (RELATING TO RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS).

1 THE REPORT SHALL BE MADE AVAILABLE, UPON REQUEST, TO OTHER  
2 INDIVIDUALS TO WHOM CONFIDENTIAL REPORTS MAY BE RELEASED, AS  
3 SPECIFIED UNDER SECTION 6340. THE DEPARTMENT'S REPORT SHALL  
4 BE MADE AVAILABLE TO THE PUBLIC, BUT IDENTIFYING INFORMATION  
5 SHALL BE REMOVED FROM THE CONTENTS OF THE REPORT EXCEPT FOR  
6 DISCLOSURE OF:

7 (I) THE IDENTITY OF A DECEASED CHILD.

8 (II) IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC OR  
9 PRIVATE AGENCY, THE IDENTITY OF THE AGENCY.

10 (III) THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY  
11 UNDER CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES  
12 TO THE CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME  
13 PRIOR TO THE CHILD'S DEATH OR NEAR FATALITY.

14 (IV) THE IDENTITY OF ANY COUNTY AGENCY THAT CONVENED  
15 A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM IN RESPECT  
16 TO THE CHILD.

17 (2) THE REPORT SHALL NOT BE RELEASED TO THE PUBLIC IF  
18 THE DISTRICT ATTORNEY CERTIFIES THAT RELEASE OF THE REPORT  
19 MAY COMPROMISE A PENDING CRIMINAL INVESTIGATION OR  
20 PROCEEDING. CERTIFICATION BY THE DISTRICT ATTORNEY SHALL STAY  
21 THE RELEASE OF THE REPORT FOR A PERIOD OF 60 DAYS, AT WHICH  
22 TIME THE REPORT SHALL BE RELEASED UNLESS A NEW CERTIFICATION  
23 IS MADE BY THE DISTRICT ATTORNEY.

24 (C) AVAILABILITY TO CERTAIN INDIVIDUALS.--

25 (1) WITHIN 30 DAYS AFTER SUBMISSION OF THE REPORT UNDER  
26 SECTION 6365(D) (RELATING TO SERVICES FOR PREVENTION,  
27 INVESTIGATION AND TREATMENT OF CHILD ABUSE) TO THE  
28 DEPARTMENT, THE REPORT SHALL BE MADE AVAILABLE, UPON REQUEST,  
29 TO OTHER INDIVIDUALS TO WHOM CONFIDENTIAL REPORTS MAY BE  
30 RELEASED, AS SPECIFIED BY SECTION 6340. THE REPORT SHALL BE

1 MADE AVAILABLE TO THE PUBLIC, BUT IDENTIFYING INFORMATION  
2 SHALL BE REMOVED FROM THE CONTENTS OF THE REPORT EXCEPT FOR  
3 DISCLOSURE OF:

4 (I) THE IDENTITY OF A DECEASED CHILD.

5 (II) IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC OR  
6 PRIVATE AGENCY, THE IDENTITY OF THE AGENCY.

7 (III) THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY  
8 UNDER CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES  
9 TO THE CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME  
10 PRIOR TO THE CHILD'S DEATH OR NEAR FATALITY.

11 (IV) THE IDENTITY OF ANY COUNTY AGENCY THAT CONVENED  
12 A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM IN RESPECT  
13 TO THE CHILD.

14 (2) THE REPORT SHALL NOT BE RELEASED TO THE PUBLIC IF  
15 THE DISTRICT ATTORNEY CERTIFIES THAT RELEASE OF THE REPORT  
16 MAY COMPROMISE A PENDING CRIMINAL INVESTIGATION OR  
17 PROCEEDING. CERTIFICATION BY THE DISTRICT ATTORNEY SHALL STAY  
18 THE RELEASE OF THE REPORT FOR A PERIOD OF 60 DAYS, AT WHICH  
19 TIME THE REPORT SHALL BE RELEASED UNLESS A NEW CERTIFICATION  
20 IS MADE BY THE DISTRICT ATTORNEY.

21 (D) AVAILABILITY OF RESPONSE.--

22 (1) THE DEPARTMENT'S RESPONSE UNDER SECTION 6365(E) TO  
23 THE REPORT OF THE CHILD FATALITY OR NEAR FATALITY REVIEW TEAM  
24 SHALL BE MADE AVAILABLE, UPON REQUEST, TO OTHER INDIVIDUALS  
25 TO WHOM CONFIDENTIAL REPORTS MAY BE RELEASED, AS SPECIFIED  
26 UNDER SECTION 6340. THE DEPARTMENT'S RESPONSE SHALL BE MADE  
27 AVAILABLE TO THE PUBLIC, BUT IDENTIFYING INFORMATION SHALL BE  
28 REMOVED FROM THE CONTENTS OF THE RESPONSE, EXCEPT FOR  
29 DISCLOSURE OF:

30 (I) THE IDENTITY OF A DECEASED CHILD.



1           (II) IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC OR  
2           PRIVATE AGENCY, THE IDENTITY OF THE AGENCY.

3           (III) THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY  
4           UNDER CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES  
5           TO THE CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME  
6           PRIOR TO THE CHILD'S DEATH OR NEAR FATALITY.

7           (IV) THE IDENTITY OF ANY COUNTY AGENCY THAT CONVENED  
8           A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM IN RESPECT  
9           TO THE CHILD.

10          (2) THE RESPONSE SHALL NOT BE RELEASED TO THE PUBLIC IF  
11          THE DISTRICT ATTORNEY CERTIFIES THAT RELEASE OF THE RESPONSE  
12          MAY COMPROMISE A PENDING CRIMINAL INVESTIGATION OR  
13          PROCEEDING. CERTIFICATION BY THE DISTRICT ATTORNEY SHALL STAY  
14          THE RELEASE OF THE REPORT FOR A PERIOD OF 60 DAYS, AT WHICH  
15          TIME THE REPORT SHALL BE RELEASED UNLESS A NEW CERTIFICATION  
16          IS MADE BY THE DISTRICT ATTORNEY.

17          Section 5 9. This act shall take effect in six months.

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