

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 531 Session of
2009

INTRODUCED BY BROWNE, BOSCOLA, ORIE, ALLOWAY, O'PAKE, ERICKSON,
COSTA, WOZNIAK, EARLL, WASHINGTON, FOLMER, RAFFERTY, FERLO
AND WILLIAMS, MARCH 2, 2009

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 21, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for interagency
3 information sharing.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6352.2. Interagency information sharing.

9 (a) General rule.--The contents of county agency, drug and
10 alcohol, mental health and education records regarding a child
11 who is the subject of an open child protective services or
12 general protective services investigation, who is alleged to be
13 dependent, who has been accepted for service by a county agency,
14 who has been placed under supervision under an informal
15 adjustment or consent decree, who has been found to have
16 committed a delinquent act or who has been found to be dependent
17 or delinquent shall be provided, upon request, to the county

agency, court or juvenile probation department, under and except
as prohibited by the following:

(1) This chapter.

(2) Section 5944 (relating to confidential
communications to psychiatrists or licensed psychologists).

(3) The act of November 29, 1990 (P.L.585, No.148),
known as the Confidentiality of HIV-Related Information Act.

(4) The act of July 9, 1976 (P.L.817, No.143), known as
the Mental Health Procedures Act.

(5) The act of February 13, 1970 (P.L.19, No.10),
entitled "An act enabling certain minors to consent to
medical, dental and health services, declaring consent
unnecessary under certain circumstances."

(6) Federal law, including the FAMILY EDUCATIONAL RIGHTS
AND PRIVACY ACT OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. §
1232G), THE Health Insurance Portability and Accountability
Act of 1996 (Public Law 104-191, 110 Stat. 1936) and the
procedures, limitations and criteria set forth in regulations
adopted by the Department of Health and Human Services
relating to the confidentiality of drug and alcohol records.

(b) Sharing of information.--

(1) The county agency, court or juvenile probation
department shall, in accordance with the procedures
established under this section, use the information contained
in the records in furtherance of a disposition under this
chapter of the child who is the subject of the records.
Unless otherwise prohibited by this chapter or by the
statutes or regulations listed under subsection (a)(2), (3),
(4), (5) and (6), the information contained in the records
may, notwithstanding any other provision of law, be shared

1 among authorized representatives of the county agency, court
2 and juvenile probation department in furtherance of a
3 disposition under this chapter of the child, or, if no child-
4 specific or other confidential information is disclosed, in
5 furtherance of efforts to identify and provide services to
6 children who are determined to be at risk of child abuse,
7 parental neglect or initial or additional delinquent
8 behavior.

9 (2) Unless otherwise prohibited under this chapter or by
10 the statutes or regulations listed under subsection (a) (2),
11 (3), (4), (5) and (6), the information under paragraph (1)
12 may also be shared with other agencies or entities if there
13 is a specific need to do so. The information shall be shared
14 for the limited purposes set forth under this section under
15 an interagency information-sharing agreement developed under
16 subsection (c) or upon order of court or the written consent
17 of the parent or guardian of the child who is the subject of
18 the records or any person otherwise having the authority to
19 consent to the sharing of the information.

20 (c) Interagency information sharing agreements.--

21 (1) Subject to approval of the court and the
22 requirements of this chapter and the statutes and regulations
23 listed under subsection (a) (2), (3), (4), (5) and (6), an
24 interagency information sharing agreement may be developed in
25 each county between the county agency, juvenile probation
26 department, local law enforcement agencies, mental health
27 agencies, drug and alcohol agencies, local school districts,
28 and other agencies and entities as deemed appropriate, to
29 enhance the coordination of case management services to and
30 the supervision of children who have been accepted for

1 service by a county agency, who are being supervised under an
2 informal adjustment or a consent decree, who have been found
3 to have committed a delinquent act or who have been found to
4 be dependent or delinquent, and to enhance the coordination
5 of efforts to identify children who may be at risk of child
6 abuse, parental neglect or initial or additional delinquent
7 behavior and to provide services to these children and their
8 families. Any such agreement shall be signed by the chief
9 executive officers of the entities referred to in this
10 section as well as the public defender's office and guardian
11 ad litem in each county and shall be submitted to the court
12 for approval. IN COUNTIES THAT DO NOT HAVE AGENCIES WITH
13 PRIMARY RESPONSIBILITY FOR REPRESENTING DELINQUENT OR
14 DEPENDENT CHILDREN, THE COURT SHALL DESIGNATE LAWYERS WITH
15 EXPERIENCE IN REPRESENTING THOSE CHILDREN TO SATISFY THE
16 REQUIREMENTS OF THIS PARAGRAPH.

17 (2) All interagency information sharing agreements
18 shall, at a minimum, do all of the following:

19 (i) Provide that information will be shared under
20 this chapter and the statutes or regulations listed under
21 subsection (a)(1), (2), (3), (4), (5) and (6) to enhance
22 the coordination of case management services to and the
23 supervision of children who have been found to be
24 dependent or delinquent, who are being supervised under
25 an informal adjustment or a consent decree, who have been
26 found to have committed a delinquent act or who have been
27 accepted for service by a county agency, and to enhance
28 the coordination of efforts to identify children who may
29 be at risk of child abuse, parental neglect or initial or
30 additional delinquent behavior and to provide services to



1 these children and their families.

2 (ii) Provide that, whenever possible, the preferred
3 method for obtaining authorization to share confidential
4 information shall be upon the written, informed consent
5 of the person authorized under applicable law to consent
6 to the release of information after that person has been
7 provided a full understanding of the circumstances under
8 which and with whom the information will be shared. In ←
9 counties that do not have agencies with primary
10 responsibility for representing delinquent or dependent
11 children, the court shall designate lawyers with
12 experience in representing these children to satisfy the
13 requirements of this subparagraph.

14 (iii) Set forth the specific activities in which the
15 signatories and their representatives will engage, either
16 collectively or individually, in furtherance of the
17 purposes of the agreement.

18 (iv) Prohibit the release of information shared
19 under this agreement with other parties, except as
20 otherwise required or permitted by statute.

21 Section 2. This act shall take effect in 60 days.