

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 430 Session of  
2013

INTRODUCED BY WATSON, AUMENT, GINGRICH, MALONEY, MOUL, STEPHENS,  
YOUNGBLOOD, SCHLOSSBERG, HICKERNELL, REED, MUNDY, ROCK,  
KORTZ, SACCONI, BARRAR, MAJOR, CUTLER, KAUFFMAN, O'NEILL,  
BAKER, SWANGER, MILLARD, COHEN, MILLER, FLECK, SAYLOR, C.  
HARRIS, CLYMER AND MILNE, FEBRUARY 8, 2013

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 8, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child protective services, further  
3 providing for definitions; providing for advanced  
4 communication technologies and for regulations; further  
5 providing for persons required to report suspected child  
6 abuse, for reporting procedure, for photographs, medical  
7 tests and X-rays of child subject to report, for  
8 establishment of Statewide toll-free telephone number, for  
9 continuous availability of Department of Public Welfare and  
10 for disposition of complaints received; providing for  
11 responsibility for investigation; and further providing for  
12 information in Statewide central register and for continuous  
13 availability to receive reports.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 6303(a) of Title 23 of the Pennsylvania  
17 Consolidated Statutes is amended by adding definitions to read:  
18 § 6303. Definitions.

19 (a) General rule.--The following words and phrases when used  
20 in this chapter shall have the meanings given to them in this  
21 section unless the context clearly indicates otherwise:

22 \* \* \*

1 "Advanced communication technologies." The transfer of  
2 information in whole or in part by technology having electrical,  
3 digital, magnetic, wireless, optical, electromagnetic, photo  
4 electronic or photo-optical systems or similar capabilities. The  
5 term includes, but is not limited to, e-mail, Internet  
6 communication or other means of electronic transmission.

7 \* \* \*

8 "Mandated reporter." A person required to report suspected  
9 child abuse under section 6311 (relating to persons required to  
10 report suspected child abuse).

11 \* \* \*

12 Section 2. Title 23 is amended by adding sections to read:  
13 § 6304. Advanced communication technologies.

14 (a) Departmental procedures.--The department shall establish  
15 procedures for the secure and confidential use of advanced  
16 communication technologies for the transmission of information  
17 under this chapter, including:

18 (1) the filing of reports and other required records;

19 and

20 (2) the verification of records and signatures on forms.

21 (b) Confirmation of reports.--A confirmation by the  
22 department of the receipt of a report of suspected child abuse  
23 submitted by advanced communication technologies shall relieve  
24 the person making the report of making an additional oral or  
25 written report of suspected child abuse.

26 (c) Effect on other law.--

27 (1) Nothing in this chapter shall be construed to  
28 supersede the provisions of the act of December 16, 1999  
29 (P.L.971, No.69), known as the Electronic Transactions Act.

30 (2) Any procedures developed by the department under

this section shall comply with all applicable Federal and State laws regarding the confidentiality of personally identifiable information.

§ 6305. Regulations.

The department shall promulgate regulations necessary to implement this chapter.

Section 3. Sections 6311(c), 6313, 6314, 6332(a), 6333 and 6334 of Title 23 are amended to read:

§ 6311. Persons required to report suspected child abuse.

\* \* \*

(c) Staff members of institutions, etc.--Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall report in accordance with section 6313 and shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall assume the responsibility [and have the legal obligation to report or cause a report to be made in accordance with section 6313] for facilitating the cooperation of the institution, school facility or agency with the investigation of the report. This chapter does not require more than one report from any such institution, school, facility or agency.

\* \* \*

§ 6313. Reporting procedure.

[(a) General rule.--Reports from persons required to report under section 6311 (relating to persons required to report suspected child abuse) shall be made immediately by telephone and in writing within 48 hours after the oral report.

1 (b) Oral reports.--Oral reports shall be made to the  
2 department pursuant to Subchapter C (relating to powers and  
3 duties of department) and may be made to the appropriate county  
4 agency. When oral reports of suspected child abuse are initially  
5 received at the county agency, the protective services staff  
6 shall, after seeing to the immediate safety of the child and  
7 other children in the home, immediately notify the department of  
8 the receipt of the report, which is to be held in the pending  
9 complaint file as provided in Subchapter C. The initial child  
10 abuse report summary shall be supplemented with a written report  
11 when a determination is made as to whether a report of suspected  
12 child abuse is a founded report, an unfounded report or an  
13 indicated report.

14 (c) Written reports.--Written reports from persons required  
15 to report under section 6311 shall be made to the appropriate  
16 county agency in a manner and on forms the department prescribes  
17 by regulation. The written reports shall include the following  
18 information if available:

19 (1) The names and addresses of the child and the parents  
20 or other person responsible for the care of the child if  
21 known.

22 (2) Where the suspected abuse occurred.

23 (3) The age and sex of the subjects of the report.

24 (4) The nature and extent of the suspected child abuse,  
25 including any evidence of prior abuse to the child or  
26 siblings of the child.

27 (5) The name and relationship of the person or persons  
28 responsible for causing the suspected abuse, if known, and  
29 any evidence of prior abuse by that person or persons.

30 (6) Family composition.

1 (7) The source of the report.

2 (8) The person making the report and where that person  
3 can be reached.

4 (9) The actions taken by the reporting source, including  
5 the taking of photographs and X-rays, removal or keeping of  
6 the child or notifying the medical examiner or coroner.

7 (10) Any other information which the department may  
8 require by regulation.

9 (d) Failure to confirm oral report.--The failure of a person  
10 reporting cases of suspected child abuse to confirm an oral  
11 report in writing within 48 hours shall not relieve the county  
12 agency from any duties prescribed by this chapter. In such  
13 event, the county agency shall proceed as if a written report  
14 were actually made.]

15 (a) Report by mandated reporter.--

16 (1) A report of suspected child abuse by or on behalf of  
17 a mandated reporter shall be made immediately to the  
18 department by telephone or advanced communication  
19 technologies.

20 (2) A mandated reporter making an oral report of  
21 suspected child abuse shall also make a report in writing or  
22 by advanced communication technologies within 48 hours to the  
23 county agency assigned to the case in a manner and format  
24 that the department prescribes by regulation.

25 (3) The failure of the mandated reporter to file the  
26 report in writing or by advanced communication technologies  
27 as set forth in paragraph (2) shall not relieve the county  
28 agency from any duty under this chapter, and the county  
29 agency shall proceed as though the mandated reporter complied  
30 with paragraph (2).

1     (b) Permissive report.--A report of suspected child abuse by  
2 a person under section 6312 (relating to persons permitted to  
3 report suspected child abuse) may be made orally or by advanced  
4 communication technologies to the department or county agency or  
5 to law enforcement.

6     (c) Contents of report.--A report of suspected child abuse  
7 that is made in writing or by advanced communication  
8 technologies shall include the following information, if known:

9         (1) The names and addresses of the child, the child's  
10         parents and any other person responsible for the child's  
11         welfare.

12         (2) Where the suspected abuse occurred.

13         (3) The age and sex of each subject of the report.

14         (4) The nature and extent of the suspected child abuse,  
15 including any evidence of prior abuse to the child or any  
16 sibling of the child.

17         (5) The name and relationship of each individual  
18 responsible for causing the suspected abuse and any evidence  
19 of prior abuse by each such individual.

20         (6) Family composition.

21         (7) The source of the report.

22         (8) The person making the report and where that person  
23 can be reached.

24         (9) The actions taken by the person making the report,  
25 including those actions taken under section 6314 (relating to  
26 photographs, medical tests and X-rays of child subject to  
27 report), 6315 (relating to taking child into protective  
28 custody), 6316 (relating to admission to private and public  
29 hospitals) or 6317 (relating to mandatory reporting and  
30 postmortem investigation of deaths).

1           (10) Any other information that the department requires  
2           by regulation.

3   § 6314. Photographs, medical tests and X-rays of child subject  
4           to report.

5       A person or official required to report cases of suspected  
6 child abuse may take or cause to be taken photographs of the  
7 child who is subject to a report and, if clinically indicated,  
8 cause to be performed a radiological examination and other  
9 medical tests on the child. Medical summaries or reports of the  
10 photographs, X-rays and relevant medical tests taken shall be  
11 sent to the county agency at the time the written report is sent  
12 or within 48 hours after a report is made by advanced  
13 communication technologies or as soon thereafter as possible.

14 The county agency shall have access to actual photographs or  
15 duplicates and X-rays and may obtain them or duplicates of them  
16 upon request.

17 § 6332. Establishment of Statewide toll-free telephone number.

18       (a) General rule.--The department shall establish a single  
19 Statewide toll-free telephone number that all persons, whether  
20 mandated by law or not, may use to report cases of suspected  
21 child abuse. A county agency or law enforcement personnel shall  
22 use the Statewide toll-free telephone number or advanced  
23 communication technologies for determining the existence of  
24 prior founded or indicated reports of child abuse in the  
25 Statewide central register or reports under investigation in the  
26 pending complaint file.

27       \* \* \*

28 § 6333. Continuous availability of department.

29       The department shall be capable of receiving oral reports of  
30 child abuse [made] and reports made by advanced communication

technologies pursuant to this chapter, reports under section 6353.2 (relating to responsibilities of county agency) and report summaries of child abuse from county agencies and shall be capable of immediately identifying prior reports of child abuse and prior reports of abuse or injury under Subchapter C.1 (relating to students in public and private schools) in the Statewide central register and reports under investigation in the pending complaint file and of monitoring the provision of child protective services 24 hours a day, seven days a week.

§ 6334. Disposition of complaints received.

[(a) Notice to county agency.--Upon receipt of a complaint of suspected child abuse, the department shall immediately transmit orally to the appropriate county agency notice that the complaint of suspected child abuse has been received and the substance of the complaint. If the Statewide central register or the pending complaint file contains information indicating a prior report or a current investigation concerning a subject of the report, the department shall immediately notify the appropriate county agency of this fact. The appropriate county agency shall mean the agency in the county where the suspected child abuse occurred. If the residency of the subjects is a factor that requires the cooperation of more than one county agency, the department shall develop regulations to ensure the cooperation of those agencies in carrying out the requirements of this chapter.

(b) Referral for services or investigation.--If the complaint received does not suggest suspected child abuse but does suggest a need for social services or other services or investigation, the department shall transmit the information to the county agency or other public agency for appropriate action.



1 The information shall not be considered a child abuse report  
2 unless the agency to which the information was referred has  
3 reasonable cause to suspect after investigation that abuse  
4 occurred. If the agency has reasonable cause to suspect that  
5 abuse occurred, the agency shall notify the department, and the  
6 initial complaint shall be considered to have been a child abuse  
7 report.]

8 (a) Receipt of reports by county agencies and law  
9 enforcement.--After ensuring the immediate safety of the child  
10 and any other child in the child's home, a county agency or law  
11 enforcement agency that receives a report of suspected child  
12 abuse shall immediately notify the department of the report. If  
13 the report is an oral report by telephone, the county agency or  
14 law enforcement agency shall attempt to collect as much of the  
15 information listed in section 6313(c) (relating to reporting  
16 procedure) as possible and shall submit the information to the  
17 department within 48 hours through a report in writing or by  
18 advanced communication technologies.

19 (b) Receipt of reports by department and referral to county  
20 agency.--The department shall immediately transmit an oral  
21 notice or a notice by advanced communication technologies to the  
22 county agency of the county where the suspected child abuse is  
23 alleged to have occurred. The notice shall contain the following  
24 information:

25 (1) That a complaint of suspected child abuse by a  
26 perpetrator has been received.

27 (2) The substance of the complaint.

28 (3) The existence in the central register of a prior  
29 indicated or founded report or a current investigation  
30 concerning a subject of the report.

1 (c) Receipt of reports by department and referral to law  
2 enforcement.--If the department receives a report of suspected  
3 child abuse that also alleges that a criminal offense has been  
4 committed against the child, the department shall immediately  
5 transmit an oral notice or notice by advanced communication  
6 technologies to law enforcement personnel in the county where  
7 the suspected child abuse is alleged to have occurred. The  
8 notice shall contain the following information, consistent with  
9 section 6340(a)(9) and (10) (relating to release of information  
10 in confidential reports):

11 (1) That a complaint of suspected child abuse has been  
12 received.

13 (2) The substance of the complaint.

14 (3) The existence in the Statewide database under  
15 section 6331 (relating to establishment of pending complaint  
16 file, Statewide central register and file of unfounded  
17 reports) of a prior founded or indicated report or a current  
18 investigation concerning a subject of the report.

19 (d) Notice of joint referrals.--When a report is referred to  
20 the county agency under subsection (b) and is also referred to  
21 law enforcement personnel under subsection (c), the notice shall  
22 include information as to the name and contact information of  
23 any persons receiving the referral.

24 (e) Ability of law enforcement to receive reports.--The  
25 district attorney of the county where the suspected child abuse  
26 is alleged to have occurred shall designate three recipients to  
27 receive reports under subsection (c) and shall provide contact  
28 information for each recipient to the department for that  
29 purpose.

30 (f) Jurisdictional overlap.--If the residency of any subject

1 of a report is a factor that requires the cooperation of more  
2 than one county agency, the department shall develop regulations  
3 to ensure the cooperation of those agencies in carrying out the  
4 requirements of this chapter.

5 (g) Referral for services or investigation.--If the  
6 complaint received does not suggest a need for protective  
7 services but does suggest a need for social services or other  
8 services or investigation, the department shall transmit the  
9 information to the county agency or other public agency for  
10 appropriate action. The information shall not be considered a  
11 child abuse report unless the agency to which the information  
12 was referred has reasonable cause to suspect after investigation  
13 that abuse occurred. If the agency has reasonable cause to  
14 suspect that abuse occurred, the agency shall notify the  
15 department, and the initial complaint shall be considered to  
16 have been a child abuse report.

17 [(c)] (h) Recording in pending complaint file.--Upon receipt  
18 of a complaint of suspected child abuse, the department shall  
19 maintain a record of the complaint of suspected child abuse in  
20 the pending complaint file. Upon receipt of a report under  
21 section 6353.2 (relating to responsibilities of county agency),  
22 the department shall maintain a record of the report in the  
23 report file under section 6331 [(relating to establishment of  
24 pending complaint file, Statewide central register and file of  
25 unfounded reports)].

26 [(d) Incidents occurring outside of this Commonwealth.--

27 (1) A report of suspected child abuse occurring in  
28 another state where the child victim is identified as a  
29 resident of this Commonwealth and the other state child  
30 protective services agency cannot investigate the report

1 because of statutory or policy limitations shall be assigned  
2 as a general protective services report to the county of the  
3 child's residence or as determined by the department.

4 (2) In addition to complying with the other requirements  
5 of this chapter and applicable regulations, a copy of the  
6 report shall be provided to the other state's child  
7 protective services agency and, when applicable under  
8 Pennsylvania law, to law enforcement officials where the  
9 incident occurred.

10 (3) Reports and information under this subsection shall  
11 be provided within seven calendar days of completion of the  
12 general protective services assessment under section 6375  
13 (relating to county agency requirements for general  
14 protective services).]

15 (i) Child abuse in another state where child is resident of  
16 Commonwealth.--A report of suspected child abuse by a  
17 perpetrator occurring in another state shall be referred to the  
18 county of the child's residence in this Commonwealth or other  
19 county as determined by the department and shall be investigated  
20 as any other report of suspected child abuse by a perpetrator  
21 if:

22 (1) the child victim is identified as a resident of this  
23 Commonwealth; and

24 (2) the other state's child protective services agency  
25 cannot investigate the report because of statutory or policy  
26 limitations.

27 (j) Child abuse in another state where alleged perpetrator  
28 is resident of Commonwealth.--

29 (1) If the suspected child abuse occurs in a  
30 jurisdiction other than this Commonwealth and the alleged

1 perpetrator is identified as a resident of this Commonwealth,  
2 the report or complaint of suspected child abuse shall be  
3 referred to the county agency in the county of this  
4 Commonwealth where the alleged perpetrator resides.

5 (2) The county agency shall:

6 (i) contact the children and youth social service  
7 agency of the jurisdiction in which the suspected child  
8 abuse occurred; and

9 (ii) investigate the suspected child abuse, either  
10 alone or in concert with the other agency.

11 Section 4. Title 23 is amended by adding a section to read:

12 § 6334.1. Responsibility for investigation.

13 The department shall establish procedures regarding the  
14 following different responses to address suspected child abuse  
15 and protective services depending on the person's allegedly  
16 committing the suspected child abuse or causing a child to be in  
17 need of protective services:

18 (1) If the suspected child abuse is alleged to have been  
19 committed by a perpetrator, the appropriate county agency  
20 shall investigate the allegation as provided in this chapter.

21 (2) If the suspected child abuse is alleged to have been  
22 committed by a perpetrator and the behavior constituting the  
23 suspected child abuse may include a violation of a criminal  
24 offense, the appropriate county agency and local law  
25 enforcement shall jointly investigate the allegation through  
26 the investigative team established in section 6365(c)  
27 (relating to services for prevention, investigation and  
28 treatment of child abuse) and as provided in this chapter.

29 (3) If the suspected child abuse is alleged to have been  
30 committed by a person who is not a perpetrator, local law

1 enforcement and the district attorney of the county where the  
2 suspected child abuse is alleged to have occurred shall be  
3 solely responsible for investigating the allegation.

4 (4) If a child is alleged to be in need of other  
5 protective services, the appropriate county agency shall  
6 assess the needs of the child as provided in this chapter.

7 Section 5. Sections 6336(c) and 6366 of Title 23 are amended  
8 to read:

9 § 6336. Information in Statewide central register.

10 \* \* \*

11 (c) Limitation on release of information.--Except as  
12 provided in sections 6334, 6335, 6340 and 6342, no information  
13 shall be released from the Statewide central register or pending  
14 complaint file unless pursuant to section 6332 (relating to  
15 establishment of Statewide toll-free telephone number) and  
16 unless the department has positively identified the  
17 representative of the county agency requesting the information  
18 and the department has inquired into and is satisfied that the  
19 representative has a legitimate need, within the scope of  
20 official duties and the provisions of section 6332, to obtain  
21 the information. Information in the Statewide central register  
22 or pending complaint file shall not be released for any purpose  
23 or to any individual not specified in section 6340. Nothing in  
24 this section shall prohibit the department from accepting and  
25 responding to requests for information made using advanced  
26 communication technologies if the department has established  
27 procedures for all of the following:

28 (1) Providing notice to the requester that access and  
29 dissemination of the information is restricted as provided by  
30 this chapter.

1       (2) Electronically verifying the identity of the  
2       requester.

3       (3) Obtaining an affirmation by the requester that the  
4       request is within the scope of that person's official duties  
5       and the provisions of this chapter.

6   § 6366. Continuous availability to receive reports.

7       Each county agency shall receive 24 hours a day, seven days a  
8   week, all reports, [both oral and written] including reports  
9   submitted orally, in writing or by advanced communication  
10 technologies, of suspected child abuse in accordance with this  
11 chapter, the county plan for the provision of child protective  
12 services and the regulations of the department.

13       Section 6. This act shall take effect in 60 days.