

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 21 Session of 2013

INTRODUCED BY WARD, BLAKE, SCARNATI, PILEGGI, WASHINGTON, STACK, TEPLITZ, ERICKSON, BREWSTER, FONTANA, BAKER, RAFFERTY, YUDICHAK, VULAKOVICH, KASUNIC, TARTAGLIONE, WILLIAMS, SMITH, WAUGH, FARNESE, BROWNE, SOLOBAY, HUGHES, COSTA, ALLOWAY, SCHWANK AND BOSCOLA, MARCH 15, 2013

SENATOR MENSCH, AGING AND YOUTH, AS AMENDED, SEPTEMBER 24, 2013

AN ACT

1 ~~Amending Title 23 (Domestic Relations) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in child protective services, further~~
3 ~~providing for persons required to report suspected child~~
4 ~~abuse, for persons permitted to report suspected child abuse,~~
5 ~~for reporting procedure, for documentary evidence on a child~~
6 ~~subject to report and for taking child into protective~~
7 ~~eustody.~~

8 AMENDING TITLE 23 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA <--
9 CONSOLIDATED STATUTES, IN PROVISIONS AND RESPONSIBILITIES FOR
10 REPORTING SUSPECTED CHILD ABUSE, FURTHER PROVIDING FOR
11 DEFINITIONS AND FOR PERSONS REQUIRED TO REPORT SUSPECTED
12 CHILD ABUSE; PROVIDING FOR PRIVILEGED COMMUNICATIONS; FURTHER
13 PROVIDING FOR PERSONS PERMITTED TO REPORT SUSPECTED CHILD
14 ABUSE, FOR REPORTING PROCEDURE, FOR DOCUMENTARY EVIDENCE ON A
15 CHILD SUBJECT TO REPORT AND FOR TAKING CHILD INTO PROTECTIVE
16 CUSTODY; AND, IN ORGANIZATION AND RESPONSIBILITIES OF CHILD
17 PROTECTIVE SERVICE, REPEALING PROVISIONS RELATING TO TAKING
18 CHILD INTO PROTECTIVE CUSTODY.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Sections 6311, 6312, 6313 and 6314 of Title 23 of~~ <--
22 ~~the Pennsylvania Consolidated Statutes are amended to read:~~

23 SECTION 1. SECTION 6303(A) OF TITLE 23 OF THE PENNSYLVANIA <--
24 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:

1 § 6303. DEFINITIONS.

2 (A) GENERAL RULE.--THE FOLLOWING WORDS AND PHRASES WHEN USED
3 IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
4 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

5 * * *

6 "DIRECT CONTACT WITH CHILDREN." THE CARE, SUPERVISION,
7 GUIDANCE OR CONTROL OF CHILDREN, OR ROUTINE INTERACTION WITH
8 CHILDREN.

9 * * *

10 "INDEPENDENT CONTRACTOR." AN INDIVIDUAL WHO PROVIDES A
11 PROGRAM, ACTIVITY OR SERVICE TO AN AGENCY, INSTITUTION,
12 ORGANIZATION OR OTHER ENTITY, INCLUDING A SCHOOL OR REGULARLY
13 ESTABLISHED RELIGIOUS ORGANIZATION, THAT IS RESPONSIBLE FOR THE
14 CARE, SUPERVISION, GUIDANCE OR CONTROL OF CHILDREN. THE TERM
15 DOES NOT INCLUDE AN INDIVIDUAL WHO HAS NO DIRECT CONTACT WITH
16 CHILDREN.

17 * * *

18 "MANDATED REPORTER." A PERSON WHO IS REQUIRED BY THIS
19 CHAPTER TO MAKE A REPORT OF SUSPECTED CHILD ABUSE.

20 * * *

21 "PROGRAM, ACTIVITY OR SERVICE." A PUBLIC OR PRIVATE
22 EDUCATIONAL, ATHLETIC OR OTHER PURSUIT IN WHICH CHILDREN
23 PARTICIPATE. THE TERM INCLUDES, BUT IS NOT LIMITED TO, THE
24 FOLLOWING:

25 (1) A YOUTH CAMP OR PROGRAM.

26 (2) A RECREATIONAL CAMP OR PROGRAM.

27 (3) A SPORTS OR ATHLETIC PROGRAM.

28 (4) AN OUTREACH PROGRAM.

29 (5) AN ENRICHMENT PROGRAM.

30 (6) A TROOP, CLUB OR SIMILAR ORGANIZATION.

1 * * *

2 SECTION 2. SECTION 6311 OF TITLE 23 IS AMENDED TO READ:

3 § 6311. Persons required to report suspected child abuse.

4 [(a) General rule.--A person who, in the course of
5 employment, occupation or practice of a profession, comes into
6 contact with children shall report or cause a report to be made
7 in accordance with section 6313 (relating to reporting
8 procedure) when the person has reasonable cause to suspect, on
9 the basis of medical, professional or other training and
10 experience, that a child under the care, supervision, guidance
11 or training of that person or of an agency, institution,
12 organization or other entity with which that person is
13 affiliated is a victim of child abuse, including child abuse by
14 an individual who is not a perpetrator. Except with respect to
15 confidential communications made to a member of the clergy which
16 are protected under 42 Pa.C.S. § 5943 (relating to confidential
17 communications to clergymen), and except with respect to
18 confidential communications made to an attorney which are
19 protected by 42 Pa.C.S. § 5916 (relating to confidential
20 communications to attorney) or 5928 (relating to confidential
21 communications to attorney), the privileged communication
22 between any professional person required to report and the
23 patient or client of that person shall not apply to situations
24 involving child abuse and shall not constitute grounds for
25 failure to report as required by this chapter.

26 (b) Enumeration of persons required to report.--Persons
27 required to report under subsection (a) include, but are not
28 limited to, any licensed physician, osteopath, medical examiner,
29 coroner, funeral director, dentist, optometrist, chiropractor,
30 podiatrist, intern, registered nurse, licensed practical nurse,

1 hospital personnel engaged in the admission, examination, care
2 or treatment of persons, Christian Science practitioner, member
3 of the clergy, school administrator, school teacher, school
4 nurse, social services worker, day-care center worker or any
5 other child-care or foster-care worker, mental health
6 professional, peace officer or law enforcement official.

7 (c) Staff members of institutions, etc.--Whenever a person
8 is required to report under subsection (b) in the capacity as a
9 member of the staff of a medical or other public or private
10 institution, school, facility or agency, that person shall
11 immediately notify the person in charge of the institution,
12 school, facility or agency or the designated agent of the person
13 in charge. Upon notification, the person in charge or the
14 designated agent, if any, shall assume the responsibility and
15 have the legal obligation to report or cause a report to be made
16 in accordance with section 6313. This chapter does not require
17 more than one report from any such institution, school, facility
18 or agency.

19 (d) Civil action for discrimination against person filing
20 report.--Any person who, under this section, is required to
21 report or cause a report of suspected child abuse to be made and
22 who, in good faith, makes or causes the report to be made and,
23 as a result thereof, is discharged from his employment or in any
24 other manner is discriminated against with respect to
25 compensation, hire, tenure, terms, conditions or privileges of
26 employment, may commence an action in the court of common pleas
27 of the county in which the alleged unlawful discharge or
28 discrimination occurred for appropriate relief. If the court
29 finds that the person is an individual who, under this section,
30 is required to report or cause a report of suspected child abuse

1 to be made and who, in good faith, made or caused to be made a
2 report of suspected child abuse and, as a result thereof, was
3 discharged or discriminated against with respect to
4 compensation, hire, tenure, terms, conditions or privileges of
5 employment, it may issue an order granting appropriate relief,
6 including, but not limited to, reinstatement with back pay. The
7 department may intervene in any action commenced under this
8 subsection.]

9 ~~(a) Basis to report.~~

<--

10 ~~(1) Subject to paragraphs (2) and (3) and subsection~~
11 ~~(b), a person under subsection (b) shall make a report of~~
12 ~~suspected child abuse, or cause a report of suspected child~~
13 ~~abuse to be made, under this chapter if the person has~~
14 ~~reasonable cause to suspect that the child is a victim of~~
15 ~~child abuse, and:~~

16 ~~(i) in the course of employment, occupation or~~
17 ~~practice of a profession, the person comes in contact~~
18 ~~with the child; or~~

19 ~~(ii) the person is directly responsible for the~~
20 ~~care, supervision, guidance or training of the child.~~

21 ~~(2) The child need not come before the person in order~~
22 ~~for the person to make a report of suspected child abuse or~~
23 ~~cause a report of suspected child abuse to be made.~~

24 ~~(3) The identity of the perpetrator of child abuse need~~
25 ~~not be known by the person required to make a report of~~
26 ~~suspected child abuse or cause a report of suspected child~~
27 ~~abuse to be made. The person shall not be required to attempt~~
28 ~~to identify the perpetrator prior to making the report or~~
29 ~~causing the report to be made.~~

30 ~~(b) Enumerated mandated reporters. Subject to subsection~~

~~(a), the following persons shall make a report of suspected child abuse, or cause a report of suspected child abuse to be made, under this chapter:~~

~~(1) A person licensed to practice in any health related field under the jurisdiction of the Department of State.~~

~~(2) A medical examiner, coroner or funeral director.~~

~~(3) A health care facility or provider licensed by the Department of Health and its employees engaged in the admission, examination, care or treatment of individuals.~~

~~(4) A school administrator, teacher, nurse, guidance counselor, coach or other school employee or an independent contractor of the school with direct responsibility for children.~~

~~(5) A child care services provider and employees with direct responsibility for children.~~

~~(6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.~~

~~(7) An individual, paid or unpaid, who, on the basis of the individual's direct responsibility for children, accepts responsibility for a child.~~

~~(8) A social services worker.~~

~~(9) A peace officer or law enforcement official.~~

~~(10) An emergency medical services provider certified by the Department of Health.~~

~~(c) Disclosure of child abuse by individual.~~

~~Notwithstanding subsection (a)(1), a mandated reporter shall make a report of suspected child abuse or cause a report of suspected child abuse to be made if:~~

1 ~~(1) a child makes a specific disclosure to the mandated~~
2 ~~reporter that the child or a relative or friend of the child~~
3 ~~is the victim of child abuse; and~~

4 ~~(2) the mandated reporter has reasonable cause to~~
5 ~~suspect that the child abuse has occurred.~~

6 ~~(d) Reports by employees.~~

7 ~~(1) If a person is required to report under this~~
8 ~~section, the person shall immediately report the suspected~~
9 ~~child abuse directly to the department by telephone or~~
10 ~~electronically. A mandated reporter may delegate the direct~~
11 ~~reporting to the department by telephone to an employee. The~~
12 ~~employee of a mandated reporter must notify the mandated~~
13 ~~reporter of the completion of the report.~~

14 ~~(2) A mandated reporter or his employee may not:~~

15 ~~(i) obstruct, prevent or delay the forwarding of a~~
16 ~~report of suspected child abuse; or~~

17 ~~(ii) modify, edit or otherwise change the substance~~
18 ~~of a report of suspected child abuse.~~

19 ~~(3) Delegation to an employee under paragraph (1) shall~~
20 ~~not relieve the mandatory reporter of the obligation as a~~
21 ~~mandated reporter to make a report under section 6313~~
22 ~~(relating to reporting procedure).~~

23 ~~(4) Confirmation from the department that a report of~~
24 ~~suspected child abuse has been filed shall relieve other~~
25 ~~employees and independent contractors of the obligation to~~
26 ~~make a report of suspected child abuse or cause a report of~~
27 ~~suspected child abuse to be made.~~

28 ~~(e) Privileged communications.~~

29 ~~(1) Subject to paragraphs (2) and (4), the privileged~~
30 ~~communication between a mandated reporter and a patient or~~

~~client of the mandated reporter shall not:~~

~~(i) apply to a situation involving child abuse; and~~

~~(ii) constitute grounds for failure to make a report of suspected child abuse or cause a report of suspected child abuse to be made.~~

~~(2) Confidential communications made to a member of the clergy are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen), but only to the extent that the member of the clergy is authorized to hear the communications under the disciplines, tenets or traditions of the religion of the member of the clergy.~~

~~(3) Confidential communications made to an attorney that are protected under 42 Pa.C.S. § 5916 (relating to confidential communications to attorney) or 5928 (relating to confidential communications to attorney) are privileged under this chapter.~~

~~(4) Confidential communications between spouses shall not be privileged under this chapter notwithstanding any grant of privilege under 42 Pa.C.S. § 5914 (relating to confidential communications between spouses) or 5923 (relating to confidential communications between spouses).~~

~~(f) Limited exemption. A sexual assault counselor at a rape crisis center, as defined under 42 Pa.C.S. § 5945.1(a) (relating to confidential communications with sexual assault counselors), shall not be required to report a violation of 18 Pa.C.S. § 3122.1(a)(1) (relating to statutory sexual assault) as child abuse under this chapter when the child who would otherwise be the subject of a report of suspected child abuse is 14 years of age or older.~~

~~(A) MANDATED REPORTERS.--THE FOLLOWING ADULTS SHALL MAKE A~~

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1 REPORT OF SUSPECTED CHILD ABUSE, SUBJECT TO SUBSECTION (B), IF
2 THE PERSON HAS REASONABLE CAUSE TO SUSPECT THAT A CHILD IS A
3 VICTIM OF CHILD ABUSE:

4 (1) A PERSON LICENSED OR CERTIFIED TO PRACTICE IN ANY
5 HEALTH-RELATED FIELD UNDER THE JURISDICTION OF THE DEPARTMENT
6 OF STATE.

7 (2) A MEDICAL EXAMINER, CORONER OR FUNERAL DIRECTOR.

8 (3) AN EMPLOYEE OF A HEALTH CARE FACILITY OR PROVIDER
9 LICENSED BY THE DEPARTMENT OF HEALTH ENGAGED IN THE
10 ADMISSION, EXAMINATION, CARE OR TREATMENT OF INDIVIDUALS.

11 (4) A SCHOOL ADMINISTRATOR, TEACHER, NURSE, GUIDANCE
12 COUNSELOR, COACH OR OTHER SCHOOL EMPLOYEE.

13 (5) A CHILD-CARE SERVICES PROVIDER.

14 (6) A CLERGYMAN, PRIEST, RABBI, MINISTER, CHRISTIAN
15 SCIENCE PRACTITIONER, RELIGIOUS HEALER OR SPIRITUAL LEADER OF
16 ANY REGULARLY ESTABLISHED CHURCH OR OTHER RELIGIOUS
17 ORGANIZATION.

18 (7) AN INDIVIDUAL PAID OR UNPAID, WHO, ON THE BASIS OF
19 THE INDIVIDUAL'S ROLE AS AN INTEGRAL PART OF A REGULARLY
20 SCHEDULED PROGRAM, ACTIVITY OR SERVICE, ACCEPTS
21 RESPONSIBILITY FOR A CHILD.

22 (8) A SOCIAL SERVICES WORKER.

23 (9) A PEACE OFFICER OR LAW ENFORCEMENT OFFICIAL.

24 (10) AN EMERGENCY MEDICAL SERVICES PROVIDER CERTIFIED BY
25 THE DEPARTMENT OF HEALTH.

26 (11) AN INDIVIDUAL SUPERVISED OR MANAGED BY A PERSON
27 LISTED UNDER PARAGRAPH (1), (2), (3), (4), (5), (6), (7),
28 (8), (9) OR (10), WHO HAS DIRECT CONTACT WITH CHILDREN IN THE
29 COURSE OF EMPLOYMENT.

30 (12) AN INDEPENDENT CONTRACTOR.

1 (B) BASIS TO REPORT.--

2 (1) ANY OF THE FOLLOWING CIRCUMSTANCES SHALL REQUIRE A
3 MANDATED REPORTER UNDER SUBSECTION (A), WITH REASONABLE CAUSE
4 TO SUSPECT THAT A CHILD IS A VICTIM OF CHILD ABUSE, TO MAKE A
5 REPORT IN ACCORDANCE WITH SECTION 6313 (RELATING TO REPORTING
6 PROCEDURE):

7 (I) THE MANDATED REPORTER COMES INTO CONTACT WITH
8 THE CHILD IN THE COURSE OF EMPLOYMENT, OCCUPATION AND
9 PRACTICE OF A PROFESSION OR THROUGH A REGULARLY SCHEDULED
10 PROGRAM, ACTIVITY OR SERVICE.

11 (II) THE MANDATED REPORTER IS DIRECTLY RESPONSIBLE
12 FOR THE CARE, SUPERVISION, GUIDANCE OR TRAINING OF THE
13 CHILD, OR IS AFFILIATED WITH AN AGENCY, INSTITUTION,
14 ORGANIZATION, SCHOOL, REGULARLY ESTABLISHED CHURCH OR
15 RELIGIOUS ORGANIZATION OR OTHER ENTITY THAT IS DIRECTLY
16 RESPONSIBLE FOR THE CARE, SUPERVISION, GUIDANCE OR
17 TRAINING OF THE CHILD.

18 (III) A PERSON MAKES A SPECIFIC DISCLOSURE TO THE
19 MANDATED REPORTER THAT AN IDENTIFIABLE CHILD IS THE
20 VICTIM OF CHILD ABUSE.

21 (IV) AN INDIVIDUAL 14 YEARS OF AGE OR OLDER MAKES A
22 SPECIFIC DISCLOSURE TO THE MANDATED REPORTER THAT THE
23 INDIVIDUAL HAS COMMITTED CHILD ABUSE.

24 (2) NOTHING IN THIS SECTION SHALL REQUIRE A CHILD TO
25 COME BEFORE THE MANDATED REPORTER IN ORDER FOR THE MANDATED
26 REPORTER TO MAKE A REPORT OF SUSPECTED CHILD ABUSE.

27 (3) NOTHING IN THIS SECTION SHALL REQUIRE THE MANDATED
28 REPORTER TO IDENTIFY THE PERPETRATOR OF CHILD ABUSE TO MAKE A
29 REPORT OF SUSPECTED CHILD ABUSE.

30 SECTION 3. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:

1 § 6311.1. PRIVILEGED COMMUNICATIONS.

2 (A) GENERAL RULE.--SUBJECT TO SUBSECTION (B), THE PRIVILEGED
3 COMMUNICATIONS BETWEEN A MANDATED REPORTER AND A PATIENT OR
4 CLIENT OF THE MANDATED REPORTER SHALL NOT:

5 (1) APPLY TO A SITUATION INVOLVING CHILD ABUSE.

6 (2) RELIEVE THE MANDATED REPORTER OF THE DUTY TO MAKE A
7 REPORT OF SUSPECTED CHILD ABUSE.

8 (B) CONFIDENTIAL COMMUNICATIONS.--THE FOLLOWING PROTECTIONS
9 SHALL APPLY:

10 (1) CONFIDENTIAL COMMUNICATIONS MADE TO A MEMBER OF THE
11 CLERGY ARE PROTECTED UNDER 42 PA.C.S. § 5943 (RELATING TO
12 CONFIDENTIAL COMMUNICATIONS TO CLERGYMEN).

13 (2) CONFIDENTIAL COMMUNICATIONS MADE TO AN ATTORNEY ARE
14 SUBJECT TO 42 PA.C.S. §§ 5916 (RELATING TO CONFIDENTIAL
15 COMMUNICATIONS TO ATTORNEY) AND 5928 (RELATING TO
16 CONFIDENTIAL COMMUNICATIONS TO ATTORNEY), BUT ONLY TO THE
17 EXTENT THAT SUCH COMMUNICATIONS ARE PROTECTED UNDER THE RULES
18 OF PROFESSIONAL CONDUCT FOR ATTORNEYS.

19 SECTION 4. SECTIONS 6312, 6313 AND 6314 OF TITLE 23 ARE
20 AMENDED TO READ:

21 § 6312. Persons [permitted] encouraged to report suspected
22 child abuse.

23 [In addition to those persons and officials required to
24 report suspected child abuse, any] Any person may make [such a
25 report] ~~an oral or electronic report of suspected child abuse, <--~~
26 ~~or cause an oral or electronic report of suspected child abuse~~
27 ~~to be made to the department, county~~ WRITTEN REPORT OF SUSPECTED <--
28 CHILD ABUSE, WHICH MAY BE SUBMITTED ELECTRONICALLY, OR CAUSE A
29 REPORT OF SUSPECTED CHILD ABUSE TO BE MADE TO THE DEPARTMENT,
30 COUNTY AGENCY or law enforcement, if that person has reasonable

1 cause to suspect that a child is [an abused child] A VICTIM OF <--
2 CHILD ABUSE.

3 § 6313. Reporting procedure.

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

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

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

26 (1) The names and addresses of the child and the parents
27 or other person responsible for the care of the child if
28 known.

29 (2) Where the suspected abuse occurred.

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

1 (4) The nature and extent of the suspected child abuse,
2 including any evidence of prior abuse to the child or
3 siblings of the child.

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

7 (6) Family composition.

8 (7) The source of the report.

9 (8) The person making the report and where that person
10 can be reached.

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

14 (10) Any other information which the department may
15 require by regulation.

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

22 (a) Report by mandated reporter.--

23 (1) A report of suspected child abuse by or on behalf of <--
24 a mandated reporter shall be made immediately to the
25 department by telephone or electronically. A MANDATED <--
26 REPORTER SHALL IMMEDIATELY MAKE AN ORAL OR WRITTEN REPORT,
27 WHICH MAY BE SUBMITTED ELECTRONICALLY, OF SUSPECTED CHILD
28 ABUSE TO THE DEPARTMENT.

29 (2) A mandated reporter making a report under paragraph <--
30 (1) of suspected child abuse shall also make a report in

1 ~~writing or electronically within 48 hours to the county~~
2 ~~agency assigned to the case in a manner and format that the~~
3 ~~department prescribes by regulation.~~ AN ORAL REPORT UNDER <--
4 PARAGRAPH (1) OF SUSPECTED CHILD ABUSE SHALL ALSO MAKE A
5 WRITTEN REPORT, WHICH MAY BE SUBMITTED ELECTRONICALLY, WITHIN
6 48 HOURS TO THE DEPARTMENT OR COUNTY AGENCY ASSIGNED TO THE
7 CASE IN A MANNER AND FORMAT PRESCRIBED BY THE DEPARTMENT.

8 (3) ~~The failure of the mandated reporter to file the~~
9 ~~report in writing or electronically under paragraph (2) shall~~ <--
10 ~~not relieve the county agency from any duty under this~~
11 ~~chapter, and the county agency shall proceed as though the~~
12 ~~mandated reporter complied with paragraph (2).~~

13 (b) ~~Contents of report.--A WRITTEN report of suspected child~~ <--
14 ~~abuse that is made in writing or electronically, WHICH MAY BE~~ <--
15 ~~SUBMITTED ELECTRONICALLY, shall include the following~~
16 ~~information, if known:~~

17 (1) ~~The names and addresses of the child, the child's~~
18 ~~parents and any other person responsible for the child's~~
19 ~~welfare.~~

20 (2) ~~Where the suspected abuse occurred.~~

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

22 (4) ~~The nature and extent of the suspected child abuse,~~
23 ~~including any evidence of prior abuse to the child or any~~
24 ~~sibling of the child.~~

25 (5) ~~The name and relationship of each individual~~
26 ~~responsible for causing the suspected abuse and any evidence~~
27 ~~of prior abuse by each individual.~~

28 (6) ~~Family composition.~~

29 (7) ~~The source of the report.~~

30 (8) ~~The person making the report and where that person~~

1 can be reached.

2 (9) The actions taken by the person making the report,
3 including those actions taken under section 6314 (relating to
4 photographs, medical tests and X-rays of child subject to
5 report), 6315 (relating to taking child into protective
6 custody), 6316 (relating to admission to private and public
7 hospitals) or 6317 (relating to mandatory reporting and
8 postmortem investigation of deaths).

9 (10) ANY OTHER INFORMATION REQUIRED BY FEDERAL LAW OR <--
10 REGULATION.

11 ~~(10)~~ (11) Any other information that the department <--
12 requires by regulation.

13 § 6314. Photographs, medical tests and X-rays of child subject
14 to report.

15 A person or official required to report cases of suspected
16 child abuse may take or cause to be taken photographs of the
17 child who is subject to a report and, if clinically indicated,
18 cause to be performed a radiological examination and other
19 medical tests on the child. Medical summaries or reports of the
20 photographs, X-rays and relevant medical tests taken shall be
21 sent to the county agency at the time the written report is sent
22 or within 48 hours after a report is made by ~~advanced~~ <--

23 ~~communication~~ ELECTRONIC technologies or as soon thereafter as <--
24 possible. The county agency shall have access to actual
25 photographs or duplicates and X-rays and may obtain them or
26 duplicates of them upon request. MEDICAL SUMMARIES OR REPORTS OF <--
27 THE PHOTOGRAPHS, X-RAYS AND RELEVANT MEDICAL TESTS SHALL BE MADE
28 AVAILABLE TO LAW ENFORCEMENT OFFICIALS IN THE COURSE OF
29 INVESTIGATING CASES PURSUANT TO SECTION 6340(A) (9) OR (10).

30 Section 2 5. Section 6315(a) of Title 23 is amended by <--

1 adding a paragraph to read:

2 § 6315. Taking child into protective custody.

3 (a) General rule.--A child may be taken into protective
4 custody:

5 * * *

6 (4) Subject to this section and after receipt of a court
7 order, the county agency shall take a child into protective
8 custody for protection from abuse. No county agency worker
9 may take custody of the child without judicial authorization
10 based on the merits of the situation.

11 * * *

12 SECTION 6. SECTION 6369 OF TITLE 23 IS REPEALED: <--

13 [§ 6369. TAKING CHILD INTO PROTECTIVE CUSTODY.

14 PURSUANT TO THE PROVISIONS OF SECTION 6315 (RELATING TO
15 TAKING CHILD INTO PROTECTIVE CUSTODY) AND AFTER RECEIPT OF A
16 COURT ORDER, THE COUNTY AGENCY SHALL TAKE A CHILD INTO
17 PROTECTIVE CUSTODY FOR PROTECTION FROM ABUSE. NO COUNTY AGENCY
18 WORKER MAY TAKE CUSTODY OF THE CHILD WITHOUT JUDICIAL
19 AUTHORIZATION BASED ON THE MERITS OF THE SITUATION.]

20 Section ~~3~~ 7. This act shall take effect ~~in 60 days~~ JANUARY <--
21 1, 2014.