

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 24 Session of 2013

INTRODUCED BY VULAKOVICH, FARNESE, SCARNATI, PILEGGI, BAKER, BOSCOLA, BROWNE, ERICKSON, FONTANA, KASUNIC, MENSCH, RAFFERTY, SOLOBAY, STACK, TARTAGLIONE, TEPLITZ, TOMLINSON, WARD, WASHINGTON, WAUGH, WILLIAMS AND YUDICHAK, MARCH 15, 2013

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, MARCH 15, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
 2 Consolidated Statutes, in child protective services, further
 3 providing for establishment of pending complaint file,
 4 Statewide central register and file of unfounded reports;
 5 providing for access to information in Statewide database;
 6 and further providing for information in Statewide central
 7 register and for disposition of founded and indicated
 8 reports.

9 The General Assembly of the Commonwealth of Pennsylvania
 10 hereby enacts as follows:

11 Section 1. Section 6331 of Title 23 of the Pennsylvania
 12 Consolidated Statutes is amended to read:

13 § 6331. Establishment of [pending complaint file, Statewide
 14 central register and file of unfounded reports]
 15 Statewide database of protective services.

16 [There shall be established in the department:

17 (1) A pending complaint file of child abuse reports
 18 under investigation and a file of reports under investigation
 19 pursuant to Subchapter C.1 (relating to students in public

1 and private schools).

2 (2) A Statewide central register of child abuse which
3 shall consist of founded and indicated reports.

4 (3) A file of unfounded reports awaiting expunction.]

5 (a) Establishment.--The department shall establish and
6 maintain a secure Statewide database to register protective
7 services cases involving reports of child abuse and children in
8 need of general protective services.

9 (b) Information authorized.--Information in the Statewide
10 database shall include only the following:

11 (1) The name, Social Security number, age and sex of the
12 subject of the report.

13 (2) Date relating to the nature of each alleged
14 occurrence that created the need for protective services.

15 (3) The home address of the subject of the report.

16 (4) The county in which each alleged occurrence that
17 created the need for protective services occurred.

18 (5) Family composition.

19 (6) The name and relationship to the child of other
20 individuals named in the report.

21 (7) Other factors contributing to the need for
22 protective services.

23 (8) The source of the report.

24 (9) Services planned or provided.

25 (10) If a report alleges child abuse, whether the report
26 was determined to be founded, indicated or unfounded.

27 (11) Whether protective services were provided and if
28 protective services were not provided, the reason and whether
29 the family was referred for other community services.

30 (12) Information obtained by the department relating to

1 a perpetrator's request to release, amend or expunge
2 information retained by the department or county agency.

3 (13) The progress of a legal proceeding brought on the
4 basis of the report.

5 (14) Details relating to any criminal investigation
6 undertaken.

7 (15) If an unfounded report is the result of a false
8 report, a notation of the false report and the status of the
9 report.

10 (16) Additional information provided in section 6313(c)
11 (relating to reporting procedure).

12 (17) With respect to cases that do not result in a child
13 abuse investigation, the provision of general protective
14 services assessment or a referral for community services:

15 (i) The reasons the report was not accepted.

16 (ii) Information provided to the referral source or
17 the family related to other services or options available
18 to address the report or complaint.

19 Section 2. Title 23 is amended by adding a section to read:
20 § 6335.1. Access to information in Statewide database.

21 (a) Use for assessment or investigation.--Upon receipt of a
22 report or complaint of child abuse, a county agency or law
23 enforcement agency shall use the Statewide toll-free telephone
24 number to determine the existence of any prior reports or
25 complaints involving a subject of the report. If the Statewide
26 database contains information indicating a prior report or
27 complaint or a pending investigation concerning a subject of the
28 report, the department shall immediately convey this information
29 to the county agency or law enforcement agency.

30 (b) Use.--A county agency or law enforcement agency may only

1 request the information under subsection (a) for the purposes of
2 assessing and investigating reports or complaints of child abuse
3 or allegations that a child is in need of general protective
4 services:

5 (1) following receipt of a report or complaint of
6 suspected child abuse or an allegation that a child is in
7 need of general protective services; or

8 (2) on behalf of the following individuals, if that
9 individual suspects that a child is a victim of child abuse
10 or has reason to believe that a child is in need of general
11 protective services:

12 (i) A physician examining or treating a child.

13 (ii) The director of a hospital or a person
14 specifically designated in writing by the director of a
15 hospital or other medical institution where a child is
16 being treated.

17 (c) Authorized releases for governmental functions.--No
18 person, other than an employee of the department in the course
19 of official duties in connection with the responsibilities of
20 the department under this chapter, shall have access to any
21 information in the Statewide database except as provided under
22 this section and the following:

23 (1) Section 6323 (relating to disposition of initial
24 reports).

25 (2) Section 6340 (relating to release of information in
26 confidential reports).

27 (3) Section 6342 (relating to studies of data in
28 records).

29 (d) Clearances.--Information provided in response to
30 inquiries under section 6344 (relating to information relating

1 to prospective child-care personnel), 6344.1 (relating to
2 information relating to family day-care home residents) or
3 6344.2 (relating to information relating to other persons having
4 contact with children) shall be limited to the following:

5 (1) Whether the person was named as a perpetrator of
6 child abuse in a founded or indicated report.

7 (2) Whether there is an investigation pending in which
8 the individual is an alleged perpetrator.

9 (3) The number, date of the incidents upon which the
10 report is based and the type of abuse or neglect involved in
11 any reports identified under paragraph (1).

12 (e) Requests using advanced communication technologies.--
13 Requests under this section may be made using advanced
14 communication technologies, if appropriate verification is made
15 in accordance with section 6322(d) (relating to report
16 reception).

17 Section 3. Sections 6336 and 6338 of Title 23 are repealed:
18 [§ 6336. Information in Statewide central register.

19 (a) Information authorized.--The Statewide central register
20 shall include and shall be limited to the following information:

21 (1) The names, Social Security numbers, age and sex of
22 the subjects of the reports.

23 (2) The date or dates and the nature and extent of the
24 alleged instances of suspected child abuse.

25 (3) The home addresses of the subjects of the report.

26 (4) The county in which the suspected abuse occurred.

27 (5) Family composition.

28 (6) The name and relationship to the abused child of
29 other persons named in the report.

30 (7) Factors contributing to the abuse.

1 (8) The source of the report.

2 (9) Services planned or provided.

3 (10) Whether the report is a founded report or an
4 indicated report.

5 (11) Information obtained by the department in relation
6 to a perpetrator's or school employee's request to release,
7 amend or expunge information retained by the department or
8 the county agency.

9 (12) The progress of any legal proceedings brought on
10 the basis of the report of suspected child abuse.

11 (13) Whether a criminal investigation has been
12 undertaken and the result of the investigation and of any
13 criminal prosecution.

14 No information other than that permitted in this subsection
15 shall be retained in the Statewide central register.

16 (b) Type of information released.--Except as provided in
17 sections 6334 (relating to disposition of complaints received),
18 6335 (relating to information in pending complaint and unfounded
19 report files), 6340 (relating to release of information in
20 confidential reports) and 6342 (relating to studies of data in
21 records), persons receiving information from the Statewide
22 central register or pending complaint file may be informed only
23 as to:

24 (1) Whether the report is a founded or indicated abuse
25 or is under investigation.

26 (2) The number of such reports.

27 (3) The nature and extent of the alleged or actual
28 instances of suspected child abuse.

29 (4) The county in which the reports are investigated.

30 (5) Any other information available which would further

1 the purposes of this chapter.

2 (c) Limitation on release of information.--Except as
3 provided in sections 6334, 6335, 6340 and 6342, no information
4 shall be released from the Statewide central register or pending
5 complaint file unless pursuant to section 6332 (relating to
6 establishment of Statewide toll-free telephone number) and
7 unless the department has positively identified the
8 representative of the county agency requesting the information
9 and the department has inquired into and is satisfied that the
10 representative has a legitimate need, within the scope of
11 official duties and the provisions of section 6332, to obtain
12 the information. Information in the Statewide central register
13 or pending complaint file shall not be released for any purpose
14 or to any individual not specified in section 6340.

15 § 6338. Disposition of founded and indicated reports.

16 (a) General rule.--When a report of suspected child abuse or
17 a report under Subchapter C.1 (relating to students in public
18 and private schools) is determined by the appropriate county
19 agency to be a founded report or an indicated report, the
20 information concerning that report of suspected child abuse
21 shall be expunged immediately from the pending complaint file,
22 and an appropriate entry shall be made in the Statewide central
23 register. Notice of the determination must be given to the
24 subjects of the report, other than the abused child, and to the
25 parent or guardian of the affected child or student along with
26 an explanation of the implications of the determination. Notice
27 given to perpetrators of child abuse and to school employees who
28 are subjects of indicated reports for school employees or
29 founded reports for school employees shall include notice that
30 their ability to obtain employment in a child-care facility or

1 program or a public or private school may be adversely affected
2 by entry of the report in the Statewide central register. The
3 notice shall also inform the recipient of his right, within 45
4 days after being notified of the status of the report, to appeal
5 an indicated report, and his right to a hearing if the request
6 is denied.

7 (b) Expunction of information when child attains 23 years of
8 age.--Except as provided in subsection (c), all information
9 which identifies the subjects of founded and indicated child
10 abuse reports shall be expunged when the subject child reaches
11 the age of 23. The expunction shall be mandated and guaranteed
12 by the department.

13 (c) Retention of information.--A subfile shall be
14 established in the Statewide central register to indefinitely
15 retain the names of perpetrators of child abuse and school
16 employees who are subjects of founded or indicated reports only
17 if the individual's Social Security number or date of birth is
18 known to the department. The subfile shall not include
19 identifying information regarding other subjects of the report.]

20 Section 4. This act shall take effect in 60 days.