

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, YUDICHAK, HUGHES, COSTA, BRUBAKER, FERLO AND SCHWANK, MARCH 15, 2013

SENATOR VULAKOVICH, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED, OCTOBER 2, 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 DEFINITIONS; PROVIDING FOR ELECTRONIC REPORTING; <--
6 FURTHER PROVIDING FOR MANDATORY REPORTING AND POST MORTEM
7 INVESTIGATION OF DEATHS; PROVIDING FOR RESPONSIBILITY FOR
8 INVESTIGATION, FOR ACCESS TO REPORTS, FOR DISPOSITION OF
9 INITIAL REPORTS, FOR DISPOSITION OF REPORTS, FOR COOPERATION
10 WITH COUNTY AGENCY AND for access to information in Statewide
11 database; and further providing for information in Statewide <--
12 central register and for disposition of founded and indicated <--
13 reports, FOR CONFIDENTIALITY OF REPORTS AND FOR RELEASE OF <--
14 INFORMATION IN CONFIDENTIAL REPORTS; AND PROVIDING FOR
15 BACKGROUND CHECKS.

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

18 Section 1. Section 6331 of Title 23 of the Pennsylvania <--

19 Consolidated Statutes is amended to read:

20 § 6331. Establishment of [pending complaint file, Statewide
21 central register and file of unfounded reports]
22 Statewide database of protective services.

1 ~~{There shall be established in the department:~~

2 ~~(1) A pending complaint file of child abuse reports~~
3 ~~under investigation and a file of reports under investigation~~
4 ~~pursuant to Subchapter C.1 (relating to students in public~~
5 ~~and private schools).~~

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

8 ~~(3) A file of unfounded reports awaiting expunction.}~~

9 ~~(a) Establishment. The department shall establish and~~
10 ~~maintain a secure Statewide database to register protective~~
11 ~~services cases involving reports of child abuse and children in~~
12 ~~need of general protective services.~~

13 ~~(b) Information authorized. Information in the Statewide~~
14 ~~database shall include only the following:~~

15 ~~(1) The name, Social Security number, age and sex of the~~
16 ~~subject of the report.~~

17 ~~(2) Date relating to the nature of each alleged~~
18 ~~occurrence that created the need for protective services.~~

19 ~~(3) The home address of the subject of the report.~~

20 ~~(4) The county in which each alleged occurrence that~~
21 ~~created the need for protective services occurred.~~

22 ~~(5) Family composition.~~

23 ~~(6) The name and relationship to the child of other~~
24 ~~individuals named in the report.~~

25 ~~(7) Other factors contributing to the need for~~
26 ~~protective services.~~

27 ~~(8) The source of the report.~~

28 ~~(9) Services planned or provided.~~

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

1 ~~(11) Whether protective services were provided and if~~
2 ~~protective services were not provided, the reason and whether~~
3 ~~the family was referred for other community services.~~

4 ~~(12) Information obtained by the department relating to~~
5 ~~a perpetrator's request to release, amend or expunge~~
6 ~~information retained by the department or county agency.~~

7 ~~(13) The progress of a legal proceeding brought on the~~
8 ~~basis of the report.~~

9 ~~(14) Details relating to any criminal investigation~~
10 ~~undertaken.~~

11 ~~(15) If an unfounded report is the result of a false~~
12 ~~report, a notation of the false report and the status of the~~
13 ~~report.~~

14 ~~(16) Additional information provided in section 6313(c)~~
15 ~~(relating to reporting procedure).~~

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

19 ~~(i) The reasons the report was not accepted.~~

20 ~~(ii) Information provided to the referral source or~~
21 ~~the family related to other services or options available~~
22 ~~to address the report or complaint.~~

23 Section 2. Title 23 is amended by adding a section to read:

24 SECTION 1. SECTION 6303(A) OF TITLE 23 OF THE PENNSYLVANIA <--
25 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
26 § 6303. DEFINITIONS.

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

30 * * *

1 "ELECTRONIC TECHNOLOGIES." THE TRANSFER OF INFORMATION IN
2 WHOLE OR IN PART BY TECHNOLOGY HAVING ELECTRICAL, DIGITAL,
3 MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, PHOTO-ELECTRONIC
4 OR PHOTO-OPTICAL SYSTEMS, OR SIMILAR CAPABILITIES. THE TERM
5 INCLUDES E-MAIL, INTERNET COMMUNICATION OR OTHER MEANS OF
6 ELECTRONIC TRANSMISSION.

7 * * *

8 "LAW ENFORCEMENT OFFICIAL." THE TERM INCLUDES THE FOLLOWING:

9 (1) A PENNSYLVANIA DISTRICT ATTORNEY.

10 (2) A PENNSYLVANIA STATE POLICE OFFICER.

11 (3) A MUNICIPAL POLICE OFFICER.

12 * * *

13 SECTION 2. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:
14 § 6304. ELECTRONIC REPORTING.

15 (A) DEPARTMENTAL PROCEDURES.--THE DEPARTMENT SHALL ESTABLISH
16 PROCEDURES FOR THE SECURE USE OF ELECTRONIC TECHNOLOGIES TO
17 TRANSMIT INFORMATION UNDER THIS CHAPTER.

18 (B) CONFIRMATION OF REPORTS.--A CONFIRMATION BY THE
19 DEPARTMENT OF THE RECEIPT OF A REPORT OF SUSPECTED CHILD ABUSE
20 SUBMITTED ELECTRONICALLY SHALL RELIEVE THE PERSON MAKING THE
21 REPORT OF MAKING AN ADDITIONAL ORAL OR WRITTEN REPORT OF
22 SUSPECTED CHILD ABUSE, SUBJECT TO SECTION 6313 (RELATING TO
23 REPORTING PROCEDURE).

24 (C) EFFECT ON OTHER LAW.--NOTHING IN THIS CHAPTER SHALL BE
25 CONSTRUED TO SUPERSEDE THE ACT OF DECEMBER 16, 1999 (P.L.971,
26 NO.69), KNOWN AS THE ELECTRONIC TRANSACTIONS ACT.

27 SECTION 3. SECTION 6317 OF TITLE 23 IS AMENDED TO READ:
28 § 6317. MANDATORY REPORTING AND POSTMORTEM INVESTIGATION OF
29 DEATHS.

30 A PERSON OR OFFICIAL REQUIRED TO REPORT CASES OF SUSPECTED

1 CHILD ABUSE, INCLUDING EMPLOYEES OF A COUNTY AGENCY, WHO HAS
2 REASONABLE CAUSE TO SUSPECT THAT A CHILD DIED AS A RESULT OF
3 CHILD ABUSE SHALL REPORT THAT SUSPICION TO THE APPROPRIATE
4 CORONER OR MEDICAL EXAMINER. THE CORONER OR MEDICAL EXAMINER
5 SHALL ACCEPT THE REPORT FOR INVESTIGATION AND SHALL REPORT HIS
6 FINDING TO THE POLICE, THE DISTRICT ATTORNEY, THE APPROPRIATE
7 COUNTY AGENCY AND, IF THE REPORT IS MADE BY A HOSPITAL, THE
8 HOSPITAL.

9 SECTION 4. CHAPTER 63 OF TITLE 23 IS AMENDED BY ADDING A
10 SUBCHAPTER TO READ:

11 SUBCHAPTER B.1

12 INVESTIGATION AND REPORTING

13 SEC.

14 6321. RESPONSIBILITY FOR INVESTIGATION.

15 6322. ACCESS TO REPORTS.

16 6323. DISPOSITION OF INITIAL REPORTS.

17 6324. DISPOSITION OF REPORTS.

18 6325. (RESERVED).

19 6326. (RESERVED).

20 6327. COOPERATION.

21 § 6321. RESPONSIBILITY FOR INVESTIGATION.

22 THE DEPARTMENT SHALL ESTABLISH PROCEDURES REGARDING THE
23 FOLLOWING DIFFERENT RESPONSES TO ADDRESS SUSPECTED CHILD ABUSE
24 AND PROTECTIVE SERVICES DEPENDING ON THE PERSON ALLEGEDLY
25 COMMITTING THE SUSPECTED CHILD ABUSE OR CAUSING A CHILD TO BE IN
26 NEED OF PROTECTIVE SERVICES:

27 (1) IF THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE BEEN
28 COMMITTED BY A PERPETRATOR, THE APPROPRIATE COUNTY AGENCY
29 SHALL INVESTIGATE THE ALLEGATION.

30 (2) IF THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE BEEN

1 COMMITTED BY A PERPETRATOR AND THE BEHAVIOR CONSTITUTING THE
2 SUSPECTED CHILD ABUSE MAY INCLUDE A CRIMINAL OFFENSE, THE
3 APPROPRIATE COUNTY AGENCY AND LAW ENFORCEMENT OFFICIAL SHALL
4 JOINTLY INVESTIGATE THE ALLEGATION AS REQUIRED BY THIS
5 CHAPTER.

6 (3) IF THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE BEEN
7 COMMITTED BY A PERSON WHO IS NOT A PERPETRATOR, LAW
8 ENFORCEMENT OFFICIALS WHERE THE SUSPECTED CHILD ABUSE IS
9 ALLEGED TO HAVE OCCURRED SHALL BE SOLELY RESPONSIBLE FOR
10 INVESTIGATING THE ALLEGATION.

11 (4) IF A CHILD IS ALLEGED TO BE IN NEED OF OTHER
12 PROTECTIVE SERVICES, THE APPROPRIATE COUNTY AGENCY SHALL
13 ASSESS THE NEEDS OF THE CHILD AS PROVIDED UNDER THIS CHAPTER.

14 § 6322. ACCESS TO REPORTS.

15 (A) CONTINUOUS ACCESS.--THE DEPARTMENT SHALL BE CAPABLE OF
16 THE FOLLOWING ON A 24-HOUR, SEVEN-DAY-A-WEEK BASIS:

17 (1) RECEIVING REPORTS AND REFERRALS OF SUSPECTED CHILD
18 ABUSE AND CHILDREN IN NEED OF PROTECTIVE SERVICES.

19 (2) RESPONDING TO REQUESTS FOR INFORMATION FROM COUNTY
20 AGENCIES AND LAW ENFORCEMENT OFFICIALS UNDER SECTION 6335.1
21 (RELATING TO ACCESS TO INFORMATION IN STATEWIDE DATABASE).

22 (3) MONITORING THE PROVISION OF PROTECTIVE SERVICES.

23 (B) CONTINUOUS AVAILABILITY.--EACH COUNTY AGENCY SHALL, ON A
24 24-HOUR, SEVEN-DAY-A-WEEK BASIS, RECEIVE REPORTS OF SUSPECTED
25 CHILD ABUSE FROM THE DEPARTMENT UNDER SECTION 6323(B) (RELATING
26 TO DISPOSITION OF INITIAL REPORTS) OR THE GENERAL PUBLIC IN
27 ACCORDANCE WITH THE COUNTY AGENCY CHILD PROTECTIVE SERVICES
28 PLAN.

29 (C) VERIFICATION OF NEED.--INFORMATION MAY BE RELEASED UNDER
30 SECTION 6335.1 IF A REQUEST FOR INFORMATION IS MADE ORALLY OR IN

1 WRITING AND THE DEPARTMENT HAS DONE ALL OF THE FOLLOWING:

2 (1) IDENTIFIED THE REQUESTER, INCLUDING ELECTRONIC
3 VERIFICATION OF THE REQUESTER'S IDENTITY.

4 (2) DETERMINED WHETHER THE REQUESTER IS AUTHORIZED TO
5 OBTAIN THE INFORMATION UNDER SECTION 6335.1.

6 (3) PROVIDED NOTICE TO THE REQUESTER THAT ACCESS AND
7 DISSEMINATION OF THE INFORMATION IS RESTRICTED AS PROVIDED BY
8 THIS CHAPTER.

9 § 6323. DISPOSITION OF INITIAL REPORTS.

10 (A) RECEIPT OF REPORTS.--THE DEPARTMENT SHALL IMMEDIATELY
11 TRANSMIT A WRITTEN NOTICE TO THE COUNTY AGENCY AND LAW
12 ENFORCEMENT OFFICIALS WHERE THE SUSPECTED CHILD ABUSE IS ALLEGED
13 TO HAVE OCCURRED. THE NOTICE SHALL CONTAIN THE FOLLOWING
14 INFORMATION:

15 (1) NOTICE THAT A COMPLAINT OF SUSPECTED CHILD ABUSE BY
16 A PERPETRATOR HAS BEEN RECEIVED.

17 (2) THE SUBSTANCE OF THE COMPLAINT.

18 (3) AN ENTRY OF A PRIOR REPORT OR A CURRENT
19 INVESTIGATION CONCERNING A SUBJECT OF THE REPORT.

20 (B) RECEIPT OF REPORTS BY COUNTY.--AFTER ENSURING THE
21 IMMEDIATE SAFETY OF THE CHILD AND ANY OTHER CHILD IN THE CHILD'S
22 HOME, A COUNTY AGENCY OR LAW ENFORCEMENT OFFICIAL THAT RECEIVES
23 A REPORT OF SUSPECTED CHILD ABUSE SHALL IMMEDIATELY NOTIFY THE
24 DEPARTMENT OF THE REPORT. IF THE REPORT IS AN ORAL REPORT, THE
25 COUNTY AGENCY OR LAW ENFORCEMENT OFFICIAL SHALL COLLECT THE
26 REQUIRED INFORMATION AND SUBMIT A WRITTEN REPORT TO THE
27 DEPARTMENT WITHIN 48 HOURS.

28 (C) REFERRAL TO LAW ENFORCEMENT.--IF THE DEPARTMENT RECEIVES
29 A REPORT OF SUSPECTED CHILD ABUSE THAT ALLEGES THAT A CRIMINAL
30 OFFENSE HAS BEEN COMMITTED, THE DEPARTMENT SHALL IMMEDIATELY

1 TRANSMIT AN ORAL OR WRITTEN NOTICE TO LAW ENFORCEMENT OFFICIALS
2 IN THE COUNTY WHERE THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE
3 OCCURRED. THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION IN
4 ACCORDANCE WITH THIS CHAPTER:

5 (1) RECEIPT OF A COMPLAINT OF SUSPECTED CHILD ABUSE.

6 (2) THE SUBSTANCE OF THE COMPLAINT.

7 (3) AN ENTRY IN THE STATEWIDE DATABASE OF A PRIOR REPORT
8 OR A CURRENT INVESTIGATION CONCERNING A SUBJECT OF THE
9 REPORT.

10 (D) NOTICE OF JOINT REFERRALS.--WHEN A REPORT IS REFERRED TO
11 THE COUNTY AGENCY UNDER SUBSECTION (A) OR (C), THE NOTICE SHALL
12 INCLUDE THE NAME AND CONTACT INFORMATION OF ANY PERSONS
13 RECEIVING THE REFERRAL, IF KNOWN.

14 (E) ABILITY OF LAW ENFORCEMENT TO RECEIVE REPORTS.--THE
15 DISTRICT ATTORNEY OF THE COUNTY WHERE THE SUSPECTED CHILD ABUSE
16 IS ALLEGED TO HAVE OCCURRED SHALL DESIGNATE UP TO THREE
17 RECIPIENTS TO RECEIVE REPORTS UNDER SUBSECTION (C) AND SHALL
18 PROVIDE CONTACT INFORMATION FOR EACH RECIPIENT TO THE DEPARTMENT
19 FOR THAT PURPOSE.

20 (F) JURISDICTIONAL OVERLAP.--IF THE RESIDENCY OF ANY SUBJECT
21 OF A REPORT IS A FACTOR THAT REQUIRES THE COOPERATION OF MORE
22 THAN ONE COUNTY AGENCY OR ANOTHER STATE, THE DEPARTMENT SHALL
23 ENSURE THE COOPERATION OF THOSE AGENCIES IN CARRYING OUT THE
24 REQUIREMENTS OF THIS CHAPTER.

25 (G) REFERRAL.--IF THE COMPLAINT RECEIVED DOES NOT INDICATE A
26 NEED FOR PROTECTIVE SERVICES, BUT INDICATES A NEED FOR OTHER
27 SERVICES, OR INVESTIGATION, THE DEPARTMENT SHALL TRANSMIT THE
28 INFORMATION TO THE COUNTY OR OTHER PUBLIC AGENCY FOR APPROPRIATE
29 ACTION. THE INFORMATION SHALL NOT BE CONSIDERED A CHILD ABUSE
30 REPORT UNLESS THE COUNTY AGENCY HAS REASONABLE CAUSE TO SUSPECT

1 THAT ABUSE OCCURRED. IF THE COUNTY AGENCY INVESTIGATION
2 INDICATES REASONABLE CAUSE TO SUSPECT THAT ABUSE OCCURRED, THE
3 COUNTY AGENCY SHALL NOTIFY THE DEPARTMENT AND THE INITIAL
4 COMPLAINT SHALL BE CONSIDERED TO BE A CHILD ABUSE REPORT.

5 § 6324. DISPOSITION OF REPORTS.

6 (A) RESIDENT CHILD.--A REPORT OF SUSPECTED CHILD ABUSE BY A
7 PERPETRATOR OCCURRING IN ANOTHER STATE SHALL BE REFERRED BY THE
8 DEPARTMENT TO THE COUNTY AGENCY AND, WHERE APPROPRIATE, TO LAW
9 ENFORCEMENT OFFICIALS WHEN THE CHILD RESIDES IN THIS
10 COMMONWEALTH AND SHALL BE INVESTIGATED AS ANY OTHER REPORT OF
11 SUSPECTED CHILD ABUSE BY A PERPETRATOR IF ALL OF THE FOLLOWING
12 APPLY:

13 (1) THE CHILD VICTIM IS A RESIDENT OF THIS COMMONWEALTH.

14 (2) THE OTHER STATE'S CHILD PROTECTIVE SERVICES AGENCY
15 FAILS TO INVESTIGATE THE REPORT.

16 (B) RESIDENT ALLEGED PERPETRATOR.--

17 (1) IF SUSPECTED CHILD ABUSE OCCURS IN A JURISDICTION
18 OTHER THAN THIS COMMONWEALTH AND THE ALLEGED PERPETRATOR IS A
19 RESIDENT OF THIS COMMONWEALTH, THE REPORT OF SUSPECTED CHILD
20 ABUSE SHALL BE REFERRED TO THE COUNTY AGENCY WHERE THE
21 ALLEGED PERPETRATOR RESIDES.

22 (2) THE COUNTY AGENCY SHALL DO ALL OF THE FOLLOWING:

23 (I) CONTACT THE CHILDREN AND YOUTH SOCIAL SERVICE
24 AGENCY OF THE JURISDICTION IN WHICH THE SUSPECTED CHILD
25 ABUSE OCCURRED.

26 (II) INVESTIGATE THE SUSPECTED CHILD ABUSE, EITHER
27 ALONE OR IN COOPERATION WITH THE OTHER AGENCY.

28 (C) COPIES OF REPORT.--A COPY OF THE REPORT OF SUSPECTED
29 CHILD ABUSE SHALL BE PROVIDED TO THE OTHER STATE'S CHILD
30 PROTECTIVE SERVICES AGENCY AND, IF APPROPRIATE, TO LAW

1 ENFORCEMENT OFFICIALS WHERE THE INCIDENT OCCURRED.

2 (D) COMMUNICATION.--REPORTS AND INFORMATION UNDER THIS
3 SECTION SHALL BE PROVIDED WITHIN SEVEN CALENDAR DAYS OF
4 COMPLETION OF THE INVESTIGATION.

5 § 6325. (RESERVED).

6 § 6326. (RESERVED).

7 § 6327. COOPERATION.

8 (A) GENERAL RULE.--COMMONWEALTH AGENCIES, POLITICAL
9 SUBDIVISIONS, A COUNTY AGENCY, LAW ENFORCEMENT OFFICIAL OR ANY
10 OTHER AGENCY PROVIDING SERVICES UNDER THE COUNTY PLAN FOR
11 PROTECTIVE SERVICES SHALL PROVIDE ANY ASSISTANCE AND DATA TO THE
12 DEPARTMENT THAT WILL ENABLE THE DEPARTMENT, THE COUNTY AGENCY
13 AND LAW ENFORCEMENT OFFICIALS TO FULFILL THEIR RESPONSIBILITIES.

14 (B) WILLFUL FAILURE TO COOPERATE.--

15 (1) AT THE REQUEST OF THE DEPARTMENT OR COUNTY AGENCY TO
16 PROVIDE ALL INFORMATION RELATING TO AN INVESTIGATION OF
17 SUSPECTED CHILD ABUSE OR A SAFETY OR RISK ASSESSMENT OF A
18 CHILD, INDIVIDUAL, AGENCY, SCHOOL, HOSPITAL OR HEALTH CARE
19 PROVIDER SHALL IMMEDIATELY PROVIDE INFORMATION REQUESTED TO
20 THE DEPARTMENT OR COUNTY AGENCY IF THE INFORMATION RELATES TO
21 SUSPECTED CHILD ABUSE OR A SAFETY OR RISK ASSESSMENT.

22 (2) NO INDIVIDUAL, EXCEPT A LAW ENFORCEMENT OFFICIAL,
23 MAY PROHIBIT THE DEPARTMENT OR COUNTY AGENCY FROM
24 INTERVIEWING THE CHILD WHO IS THE SUBJECT OF SUSPECTED CHILD
25 ABUSE. PARENTAL CONSENT SHALL NOT BE REQUIRED PRIOR TO THE
26 CHILD'S BEING INTERVIEWED BY THE DEPARTMENT OR COUNTY AGENCY.

27 (3) THE FOLLOWING SHALL APPLY:

28 (I) ANY PERSON FAILING TO TIMELY PRODUCE THE
29 REQUESTED INFORMATION UNDER THIS SECTION COMMITS A
30 MISDEMEANOR OF THE THIRD DEGREE.

1 (II) ANY PERSON BARRING, INHIBITING OR PRECLUDING
2 SUFFICIENT ACCESS TO THE SUBJECT CHILD COMMITS A
3 MISDEMEANOR OF THE SECOND DEGREE.

4 (C) COOPERATION OF COUNTY AND LAW ENFORCEMENT.--A COUNTY
5 AGENCY AND LAW ENFORCEMENT OFFICIAL SHALL COOPERATE, TO THE
6 FULLEST EXTENT POSSIBLE, TO RESPOND TO AND INVESTIGATE REPORTS
7 OF SUSPECTED CHILD ABUSE. COUNTIES SHALL EXCHANGE INFORMATION
8 AND COOPERATE TO INVESTIGATE REPORTS AND PROVIDE SERVICES TO
9 CHILDREN WHO MAY MOVE FROM ONE COUNTY TO ANOTHER.

10 (D) ADVICE TO COUNTY AGENCY.--IF A REPORT OF SUSPECTED CHILD
11 ABUSE IS REFERRED FROM A COUNTY AGENCY TO A LAW ENFORCEMENT
12 OFFICIAL UNDER SECTION 6340(A)(9) AND (10) (RELATING TO RELEASE
13 OF INFORMATION IN CONFIDENTIAL REPORTS), THE LAW ENFORCEMENT
14 OFFICIAL SHALL EXPEDITIOUSLY ADVISE THE COUNTY AGENCY OF THE
15 PROGRESS OF A CRIMINAL INVESTIGATION, THE RESULTS OF THE
16 INVESTIGATION AND ANY CRIMINAL PROSECUTION. THE COUNTY AGENCY
17 SHALL REFER THE INFORMATION TO THE STATEWIDE DATABASE.

18 SECTION 5. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:
19 § 6335.1. Access to information in Statewide database.

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

30 (b) Use BY COUNTY OR LAW ENFORCEMENT AGENCY.--A county <--

1 agency or law enforcement agency OFFICIAL may only request the <--
2 information under subsection (a) for the purposes of assessing
3 and investigating reports or complaints of child abuse or
4 allegations that a child is in need of general protective
5 services:

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

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

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

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

18 (B.1) USE BY DISTRICT ATTORNEY.--THE DISTRICT ATTORNEY OR A <--
19 PERSON SPECIFICALLY DESIGNATED IN WRITING BY THE DISTRICT
20 ATTORNEY MAY REQUEST INFORMATION FOR THE PURPOSES OF
21 INVESTIGATING ALLEGATIONS OF CRIMINAL CONDUCT, AS SET FORTH IN
22 SECTION 6340(A) (9) AND (10) (RELATING TO RELEASE OF INFORMATION
23 IN CONFIDENTIAL REPORTS).

24 (c) Authorized releases for governmental functions.--No
25 person, other than an employee of the department in the course
26 of official duties in connection with the responsibilities of
27 the department under this chapter, shall have access to any
28 information in the Statewide database except as provided under
29 this section and the following:

30 (1) Section 6323 (relating to disposition of initial

1 reports).

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

4 (3) Section 6342 (relating to studies of data in
5 records).

6 (d) Clearances.--Information provided in response to
7 inquiries under section 6344 (relating to information relating
8 to prospective child-care personnel), 6344.1 (relating to
9 information relating to family day-care home residents) or
10 6344.2 (relating to information relating to other persons having
11 contact with children) shall be limited to the following:

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

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

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

19 (e) ~~Requests using advanced communication ELECTRONIC~~ <--
20 technologies.--Requests under this section may be made using
21 advanced communication technologies, if appropriate verification
22 is made in accordance with section ~~6322(d)~~ 6322(C) (relating to <--
23 report reception ACCESS TO REPORTS). <--

24 Section 3. Sections 6336 and 6338 of Title 23 are repealed: <--

25 SECTION 6. SECTION 6336 OF TITLE 23 IS REPEALED: <--

26 [§ 6336. Information in Statewide central register.

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

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

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

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

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

5 (5) Family composition.

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

8 (7) Factors contributing to the abuse.

9 (8) The source of the report.

10 (9) Services planned or provided.

11 (10) Whether the report is a founded report or an
12 indicated report.

13 (11) Information obtained by the department in relation
14 to a perpetrator's or school employee's request to release,
15 amend or expunge information retained by the department or
16 the county agency.

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

19 (13) Whether a criminal investigation has been
20 undertaken and the result of the investigation and of any
21 criminal prosecution.

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

24 (b) Type of information released.--Except as provided in
25 sections 6334 (relating to disposition of complaints received),
26 6335 (relating to information in pending complaint and unfounded
27 report files), 6340 (relating to release of information in
28 confidential reports) and 6342 (relating to studies of data in
29 records), persons receiving information from the Statewide
30 central register or pending complaint file may be informed only

1 as to:

2 (1) Whether the report is a founded or indicated abuse
3 or is under investigation.

4 (2) The number of such reports.

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

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

8 (5) Any other information available which would further
9 the purposes of this chapter.

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

23 ~~§ 6338. Disposition of founded and indicated reports.~~ <--

24 ~~(a) General rule. When a report of suspected child abuse or~~
25 ~~a report under Subchapter C.1 (relating to students in public~~
26 ~~and private schools) is determined by the appropriate county~~
27 ~~agency to be a founded report or an indicated report, the~~
28 ~~information concerning that report of suspected child abuse~~
29 ~~shall be expunged immediately from the pending complaint file,~~
30 ~~and an appropriate entry shall be made in the Statewide central~~

1 ~~register. Notice of the determination must be given to the~~
2 ~~subjects of the report, other than the abused child, and to the~~
3 ~~parent or guardian of the affected child or student along with~~
4 ~~an explanation of the implications of the determination. Notice~~
5 ~~given to perpetrators of child abuse and to school employees who~~
6 ~~are subjects of indicated reports for school employees or~~
7 ~~founded reports for school employees shall include notice that~~
8 ~~their ability to obtain employment in a child care facility or~~
9 ~~program or a public or private school may be adversely affected~~
10 ~~by entry of the report in the Statewide central register. The~~
11 ~~notice shall also inform the recipient of his right, within 45-~~
12 ~~days after being notified of the status of the report, to appeal~~
13 ~~an indicated report, and his right to a hearing if the request~~
14 ~~is denied.~~

15 ~~(b) Expunction of information when child attains 23 years of~~
16 ~~age. Except as provided in subsection (c), all information~~
17 ~~which identifies the subjects of founded and indicated child~~
18 ~~abuse reports shall be expunged when the subject child reaches~~
19 ~~the age of 23. The expunction shall be mandated and guaranteed~~
20 ~~by the department.~~

21 ~~(c) Retention of information. A subfile shall be~~
22 ~~established in the Statewide central register to indefinitely~~
23 ~~retain the names of perpetrators of child abuse and school~~
24 ~~employees who are subjects of founded or indicated reports only~~
25 ~~if the individual's Social Security number or date of birth is~~
26 ~~known to the department. The subfile shall not include~~
27 ~~identifying information regarding other subjects of the report.]~~

28 ~~Section 4. This act shall take effect in 60 days.~~

29 SECTION 7. SECTIONS 6339 AND 6340(A)(2), (9), (10), (12) AND <--
30 (13), (B), (C) AND (D) OF TITLE 23 ARE AMENDED TO READ:

1 § 6339. CONFIDENTIALITY OF REPORTS.

2 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBCHAPTER, REPORTS MADE
3 PURSUANT TO THIS CHAPTER, INCLUDING, BUT NOT LIMITED TO, REPORT
4 SUMMARIES OF CHILD ABUSE AND [WRITTEN] REPORTS MADE PURSUANT TO
5 SECTION [6313(B) AND (C)] 6313 (RELATING TO REPORTING PROCEDURE)
6 AS WELL AS ANY OTHER INFORMATION OBTAINED, REPORTS WRITTEN OR
7 PHOTOGRAPHS OR X-RAYS TAKEN CONCERNING ALLEGED INSTANCES OF
8 CHILD ABUSE IN THE POSSESSION OF THE DEPARTMENT OR A COUNTY
9 AGENCY SHALL BE CONFIDENTIAL.

10 § 6340. RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS.

11 (A) GENERAL RULE.--REPORTS SPECIFIED IN SECTION 6339
12 (RELATING TO CONFIDENTIALITY OF REPORTS) SHALL ONLY BE MADE
13 AVAILABLE TO:

14 * * *

15 [(2) A PHYSICIAN EXAMINING OR TREATING A CHILD OR THE
16 DIRECTOR OR A PERSON SPECIFICALLY DESIGNATED IN WRITING BY
17 THE DIRECTOR OF ANY HOSPITAL OR OTHER MEDICAL INSTITUTION
18 WHERE A CHILD IS BEING TREATED WHEN THE PHYSICIAN OR THE
19 DIRECTOR OR THE DESIGNEE OF THE DIRECTOR SUSPECTS THE CHILD
20 OF BEING AN ABUSED CHILD OR A CHILD ALLEGED TO BE IN NEED OF
21 PROTECTION UNDER THIS CHAPTER.]

22 * * *

23 (9) LAW ENFORCEMENT OFFICIALS OF ANY JURISDICTION, AS
24 LONG AS THE INFORMATION IS RELEVANT IN THE COURSE OF
25 INVESTIGATING CASES OF:

26 (I) HOMICIDE OR OTHER CRIMINAL OFFENSE SET FORTH IN
27 SECTION 6344(C) (RELATING TO INFORMATION RELATING TO
28 PROSPECTIVE CHILD-CARE PERSONNEL), SEXUAL ABUSE[, SEXUAL]
29 OR EXPLOITATION, BODILY INJURY OR SERIOUS BODILY INJURY
30 [OR SERIOUS PHYSICAL INJURY PERPETRATED BY PERSONS

1 WHETHER OR NOT RELATED TO THE VICTIM] CAUSED BY A
2 PERPETRATOR OR NONPERPETRATOR.

3 (II) [CHILD ABUSE PERPETRATED BY PERSONS WHO ARE NOT
4 FAMILY MEMBERS.] CHILD ABUSE OTHER THAN THAT IDENTIFIED
5 UNDER SUBPARAGRAPH (I) BY A NONPERPETRATOR.

6 (III) REPEATED PHYSICAL INJURY TO A CHILD UNDER
7 CIRCUMSTANCES WHICH INDICATE THAT THE CHILD'S HEALTH,
8 SAFETY OR WELFARE IS HARMED OR THREATENED.

9 (IV) A MISSING CHILD REPORT.

10 (10) THE DISTRICT [ATTORNEY OR HIS DESIGNEE] ATTORNEY'S
11 OFFICE OR OTHER LAW ENFORCEMENT OFFICIAL, AS SET FORTH IN
12 [THE] COUNTY PROTOCOLS FOR MULTIDISCIPLINARY INVESTIGATIVE
13 TEAMS REQUIRED IN SECTION 6365(C) (RELATING TO SERVICES FOR
14 PREVENTION, INVESTIGATION AND TREATMENT OF CHILD ABUSE),
15 SHALL RECEIVE, IMMEDIATELY AFTER THE COUNTY AGENCY HAS
16 ENSURED THE SAFETY OF THE CHILD, REPORTS OF ABUSE [, EITHER
17 ORALLY OR IN WRITING,] ACCORDING TO REGULATIONS [PROMULGATED
18 BY THE DEPARTMENT], FROM THE DEPARTMENT OR COUNTY AGENCY IN
19 WHICH THE INITIAL REPORT OF SUSPECTED CHILD ABUSE OR INITIAL
20 INQUIRY INTO THE REPORT GIVES EVIDENCE THAT THE ABUSE IS:

21 (I) A CRIMINAL OFFENSE SET FORTH [IN] UNDER SECTION
22 6344(C), NOT INCLUDING AN OFFENSE UNDER 18 PA.C.S. § 4304
23 (RELATING TO ENDANGERING WELFARE OF CHILDREN) OR AN
24 EQUIVALENT CRIME UNDER FEDERAL LAW OR [THE] LAW OF
25 ANOTHER STATE[, SEXUAL ABUSE, SEXUAL EXPLOITATION OR
26 SERIOUS BODILY INJURY PERPETRATED BY PERSONS, WHETHER OR
27 NOT RELATED TO THE VICTIM]; OR

28 (II) CHILD ABUSE [PERPETRATED BY PERSONS WHO ARE NOT
29 FAMILY MEMBERS; OR

30 (III) SERIOUS PHYSICAL INJURY INVOLVING EXTENSIVE

1 AND SEVERE BRUISING, BURNS, BROKEN BONES, LACERATIONS,
2 INTERNAL BLEEDING, SHAKEN BABY SYNDROME OR CHOKING OR AN
3 INJURY THAT SIGNIFICANTLY IMPAIRS A CHILD'S PHYSICAL
4 FUNCTIONING, EITHER TEMPORARILY OR PERMANENTLY] UNDER
5 SECTION 6321(2) OR (3) (RELATING TO RESPONSIBILITY FOR
6 INVESTIGATION).

7 * * *

8 (12) A MANDATED REPORTER OF SUSPECTED CHILD ABUSE [AS
9 DEFINED IN] UNDER SECTION 6311 (RELATING TO PERSONS REQUIRED
10 TO REPORT SUSPECTED CHILD ABUSE) WHO MADE A REPORT OF ABUSE
11 INVOLVING THE SUBJECT CHILD, [BUT THE INFORMATION PERMITTED
12 TO BE RELEASED TO THE MANDATED REPORTER] SHALL BE LIMITED TO
13 THE FOLLOWING:

14 (I) [THE FINAL STATUS OF] WHETHER THE CHILD ABUSE
15 REPORT [FOLLOWING THE INVESTIGATION, WHETHER IT BE] IS
16 INDICATED, FOUNDED OR UNFOUNDED.

17 (II) ANY SERVICES PROVIDED, ARRANGED FOR OR TO BE
18 PROVIDED BY THE COUNTY AGENCY TO PROTECT THE CHILD , OR
19 ANY SERVICE PLAN DEVELOPED.

20 [(13) PERSONS REQUIRED TO MAKE REPORTS UNDER SUBCHAPTER
21 C.1 (RELATING TO STUDENTS IN PUBLIC AND PRIVATE SCHOOLS).
22 INFORMATION UNDER THIS PARAGRAPH SHALL BE LIMITED TO THE
23 FINAL STATUS OF THE REPORT FOLLOWING THE INVESTIGATION AS TO
24 WHETHER THE REPORT IS INDICATED, FOUNDED OR UNFOUNDED.]

25 * * *

26 (B) RELEASE OF INFORMATION TO SUBJECT [OF REPORT].--[AT ANY
27 TIME AND UPON] UPON A WRITTEN REQUEST, A SUBJECT OF A REPORT MAY
28 RECEIVE A COPY OF ALL INFORMATION, EXCEPT THAT PROHIBITED FROM
29 BEING DISCLOSED BY SUBSECTION (C), CONTAINED IN THE STATEWIDE
30 [CENTRAL REGISTER] DATABASE OR IN ANY REPORT FILED PURSUANT TO

1 SECTION 6313 (RELATING TO REPORTING PROCEDURE).

2 (C) PROTECTING IDENTITY [OF PERSON MAKING REPORT].--EXCEPT
3 FOR REPORTS [PURSUANT TO] UNDER SUBSECTION (A) (9) AND (10), AND
4 IN RESPONSE TO A LAW ENFORCEMENT OFFICIAL INVESTIGATING
5 ALLEGATIONS OF FALSE REPORTS UNDER 18 PA.C.S. § 4906.1 (RELATING
6 TO FALSE REPORTS OF CHILD ABUSE), THE RELEASE OF DATA THAT WOULD
7 IDENTIFY THE PERSON WHO MADE A REPORT OF SUSPECTED CHILD ABUSE
8 OR [THE PERSON] WHO COOPERATED IN A SUBSEQUENT INVESTIGATION IS
9 PROHIBITED UNLESS THE [SECRETARY] DEPARTMENT FINDS THAT THE
10 RELEASE WILL NOT BE DETRIMENTAL TO THE SAFETY OF [THAT] THE
11 PERSON. LAW ENFORCEMENT OFFICIALS SHALL TREAT ALL REPORTING
12 SOURCES AS CONFIDENTIAL INFORMANTS.

13 (D) EXCLUSION OF [ADMINISTRATIVE] INFORMATION.--INFORMATION
14 MAINTAINED IN THE STATEWIDE [CENTRAL REGISTER WHICH WAS]
15 DATABASE OBTAINED FROM AN INVESTIGATING AGENCY IN RELATION TO AN
16 APPEAL REQUEST SHALL NOT BE RELEASED TO ANY PERSON EXCEPT A
17 DEPARTMENT OFFICIAL [, AS PROVIDED BY REGULATION].

18 SECTION 8. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:
19 § 6387. BACKGROUND CHECKS.

20 PAYMENT FOR A BACKGROUND CHECK RELATING TO CHILD ABUSE MAY BE
21 PAID FOR BY AN INDIVIDUAL OR ORGANIZATION BY CHECK OR MONEY
22 ORDER.

23 SECTION 9. THIS ACT SHALL TAKE EFFECT JANUARY 1, 2014.