

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

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 10, 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 electronic~~
4 ~~reporting; further providing for mandatory reporting and post~~
5 ~~mortem investigation of deaths; providing for responsibility~~
6 ~~for investigation, for access to reports, for disposition of~~
7 ~~initial reports, for disposition of reports, for cooperation~~
8 ~~with county agency and for access to information in Statewide~~
9 ~~database; further providing for information in Statewide~~
10 ~~central register, for confidentiality of reports and for~~
11 ~~release of information in confidential reports; and providing~~
12 ~~for background checks.~~ FURTHER PROVIDING FOR DEFINITIONS; <--
13 PROVIDING FOR ELECTRONIC REPORTING AND FOR REGULATIONS;
14 FURTHER PROVIDING FOR MANDATORY REPORTING AND POSTMORTEM
15 INVESTIGATION OF DEATHS, FOR ESTABLISHMENT OF PENDING
16 COMPLAINT FILE, STATEWIDE CENTRAL REGISTER AND FILE OF
17 UNFOUNDED REPORTS, FOR ESTABLISHMENT OF STATEWIDE TOLL-FREE
18 TELEPHONE NUMBER, FOR CONTINUOUS AVAILABILITY OF DEPARTMENT
19 AND FOR DISPOSITION OF COMPLAINTS RECEIVED; PROVIDING FOR
20 RESPONSIBILITY FOR INVESTIGATION; AND FURTHER PROVIDING FOR
21 INFORMATION IN PENDING COMPLAINT AND UNFOUNDED REPORT FILES,
22 FOR INFORMATION IN STATEWIDE CENTRAL REGISTER, FOR
23 DISPOSITION OF UNFOUNDED REPORTS, FOR DISPOSITION OF FOUNDED
24 AND INDICATED REPORTS, FOR CONFIDENTIALITY OF REPORTS, FOR
25 RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS, FOR STUDIES
26 OF DATA IN RECORDS, FOR INFORMATION RELATING TO PROSPECTIVE
27 CHILD-CARE PERSONNEL, FOR INFORMATION RELATING TO FAMILY DAY-
28 CARE HOME RESIDENTS, FOR COOPERATION OF OTHER AGENCIES, FOR
29 REPORTS TO GOVERNOR AND GENERAL ASSEMBLY, FOR PENALTIES AND

1 FOR COUNTY AGENCY REQUIREMENTS FOR GENERAL PROTECTIVE
2 SERVICES.

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

5 ~~Section 1. Section 6303(a) of Title 23 of the Pennsylvania~~ <--
6 ~~Consolidated Statutes is amended by adding definitions to read:~~
7 ~~§ 6303. Definitions.~~

8 ~~(a) General rule. The following words and phrases when used~~
9 ~~in this chapter shall have the meanings given to them in this~~
10 ~~section unless the context clearly indicates otherwise:~~

11 ~~* * *~~

12 ~~"Electronic technologies." The transfer of information in~~
13 ~~whole or in part by technology having electrical, digital,~~
14 ~~magnetic, wireless, optical, electromagnetic, photo electronic~~
15 ~~or photo optical systems, or similar capabilities. The term~~
16 ~~includes e mail, Internet communication or other means of~~
17 ~~electronic transmission.~~

18 ~~* * *~~

19 ~~"Law enforcement official." The term includes the following:~~

- 20 ~~(1) The Attorney General.~~
21 ~~(2) A county district attorney.~~
22 ~~(3) A Pennsylvania State Police officer.~~
23 ~~(4) A county sheriff.~~
24 ~~(5) A county police officer.~~
25 ~~(6) A county detective.~~
26 ~~(7) A local or municipal police officer.~~

27 ~~* * *~~

28 ~~Section 2. Title 23 is amended by adding a section to read:~~
29 ~~§ 6304. Electronic reporting.~~

30 ~~(a) Departmental procedures. The department shall establish~~
31 ~~procedures for the secure use of electronic technologies to~~

1 ~~transmit information under this chapter.~~

2 ~~(b) Confirmation of reports. A confirmation by the~~
3 ~~department of the receipt of a report of suspected child abuse~~
4 ~~submitted electronically shall relieve the person making the~~
5 ~~report of making an additional oral or written report of~~
6 ~~suspected child abuse, subject to section 6313 (relating to~~
7 ~~reporting procedure).~~

8 ~~(c) Effect on other law. Nothing in this chapter shall be~~
9 ~~construed to supersede the act of December 16, 1999 (P.L.971,~~
10 ~~No.69), known as the Electronic Transactions Act.~~

11 Section 3. ~~Section 6317 of Title 23 is amended to read:~~
12 ~~§ 6317. Mandatory reporting and postmortem investigation of~~
13 ~~deaths.~~

14 ~~A person or official required to report cases of suspected~~
15 ~~child abuse, including employees of a county agency, who has~~
16 ~~reasonable cause to suspect that a child died as a result of~~
17 ~~child abuse shall report that suspicion to the appropriate~~
18 ~~coroner or medical examiner. The coroner or medical examiner~~
19 ~~shall accept the report for investigation and shall report his~~
20 ~~finding to the police, the district attorney, the appropriate~~
21 ~~county agency and, if the report is made by a hospital, the~~
22 ~~hospital.~~

23 Section 4. ~~Chapter 63 of Title 23 is amended by adding a~~
24 ~~subchapter to read:~~

25 SUBCHAPTER B.1

26 INVESTIGATION AND REPORTING

27 Sec.

28 ~~6321. Access to reports.~~

29 ~~6322. Responsibility for investigation.~~

30 ~~6323. Disposition of initial reports.~~

1 ~~6324. Disposition of reports.~~

2 ~~6325. (Reserved).~~

3 ~~6326. (Reserved).~~

4 ~~6327. Cooperation.~~

5 ~~§ 6321. Access to reports.~~

6 ~~(a) Continuous access. The department shall be capable of~~
7 ~~the following on a 24 hour, seven day a week basis:~~

8 ~~(1) Receiving reports and referrals of suspected child~~
9 ~~abuse and children in need of protective services.~~

10 ~~(2) Responding to requests for information from county~~
11 ~~agencies and law enforcement officials under section 6335.1~~
12 ~~(relating to access to information in Statewide database).~~

13 ~~(3) Monitoring the provision of protective services.~~

14 ~~(b) Continuous availability. Each county agency shall, on a~~
15 ~~24 hour, seven day a week basis, receive reports of suspected~~
16 ~~child abuse from the department under section 6323(b) (relating~~
17 ~~to disposition of initial reports) or the general public in~~
18 ~~accordance with the county agency child protective services~~
19 ~~plan.~~

20 ~~(c) Verification of need. Information may be released under~~
21 ~~section 6335.1 if a request for information is made orally or in~~
22 ~~writing and the department has done all of the following:~~

23 ~~(1) Identified the requester, including electronic~~
24 ~~verification of the requester's identity.~~

25 ~~(2) Determined whether the requester is authorized to~~
26 ~~obtain the information under section 6335.1.~~

27 ~~(3) Provided notice to the requester that access and~~
28 ~~dissemination of the information is restricted as provided by~~
29 ~~this chapter.~~

30 ~~§ 6322. Responsibility for investigation.~~

~~The department shall establish procedures regarding the following different responses to address suspected child abuse and protective services depending on the person allegedly committing the suspected child abuse or causing a child to be in need of protective services:~~

~~(1) If the suspected child abuse is alleged to have been committed by a perpetrator, the appropriate county agency shall investigate the allegation.~~

~~(2) If the suspected child abuse is alleged to have been committed by a perpetrator and the behavior constituting the suspected child abuse may include a criminal offense, the appropriate county agency and law enforcement official shall jointly investigate the allegation as required by this chapter.~~

~~(3) If the suspected child abuse is alleged to have been committed by a person who is not a perpetrator, law enforcement officials where the suspected child abuse is alleged to have occurred shall be solely responsible for investigating the allegation.~~

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

~~§ 6323. Disposition of initial reports.~~

~~(a) Receipt of reports. The department shall immediately transmit a written notice, which may be submitted electronically, to the county agency and law enforcement officials where the suspected child abuse is alleged to have occurred. The notice shall contain the following information:~~

~~(1) Notice that a report of suspected child abuse by a perpetrator has been received.~~

1 ~~(2) The substance of the report.~~

2 ~~(3) The existence of a prior report or a current~~
3 ~~investigation concerning a subject of the report.~~

4 ~~(b) Receipt of reports by county. After ensuring the~~
5 ~~immediate safety of the child and any other child in the child's~~
6 ~~home, a county agency or law enforcement official that receives~~
7 ~~a report of suspected child abuse shall immediately notify the~~
8 ~~department of the report. If the report is an oral report, the~~
9 ~~county agency or law enforcement official shall collect the~~
10 ~~required information and submit a written report to the~~
11 ~~department within 48 hours.~~

12 ~~(c) Referral to law enforcement. If the department receives~~
13 ~~a report of suspected child abuse that alleges that a criminal~~
14 ~~offense has been committed, the department shall immediately~~
15 ~~transmit an oral or written notice to law enforcement officials~~
16 ~~in the county where the suspected child abuse is alleged to have~~
17 ~~occurred. The notice shall contain the following information in~~
18 ~~accordance with this chapter:~~

19 ~~(1) Receipt of a report of suspected child abuse.~~

20 ~~(2) The substance of the report.~~

21 ~~(3) The existence of a prior report or a current~~
22 ~~investigation concerning a subject of the report.~~

23 ~~(d) Notice of joint referrals. When a report is referred to~~
24 ~~the county agency under subsection (a) or (c), the notice shall~~
25 ~~include the name and contact information of any persons~~
26 ~~receiving the referral, if known.~~

27 ~~(e) Ability of law enforcement to receive reports. The~~
28 ~~district attorney of the county where the suspected child abuse~~
29 ~~is alleged to have occurred shall designate up to three~~
30 ~~recipients to receive reports under subsection (c) and shall~~

1 ~~provide contact information for each recipient to the department~~
2 ~~for that purpose.~~

3 ~~(f) Jurisdictional overlap. If the residency of any subject~~
4 ~~of a report is a factor that requires the cooperation of more~~
5 ~~than one county agency or an agency of another state that~~
6 ~~performs protective services analogous to those services~~
7 ~~performed by county agencies or the department, the department~~
8 ~~shall ensure the cooperation of those agencies in carrying out~~
9 ~~the requirements of this chapter.~~

10 ~~(g) Referral. If the report received does not indicate a~~
11 ~~need for protective services, but indicates a need for other~~
12 ~~services, or investigation, the department shall transmit the~~
13 ~~information to the county agency or other public agency for~~
14 ~~appropriate action. The information shall not be considered a~~
15 ~~child abuse report unless the county agency has reasonable cause~~
16 ~~to suspect that abuse occurred. If the county agency~~
17 ~~investigation indicates reasonable cause to suspect that abuse~~
18 ~~occurred, the county agency shall notify the department and the~~
19 ~~initial report shall be considered to be a child abuse report.~~
20 ~~§ 6324. Disposition of reports.~~

21 ~~(a) Resident child. A report of suspected child abuse by a~~
22 ~~perpetrator occurring in another state shall be referred by the~~
23 ~~department to the county agency and, where appropriate, to law~~
24 ~~enforcement officials when the child resides in this~~
25 ~~Commonwealth and shall be investigated as any other report of~~
26 ~~suspected child abuse by a perpetrator if all of the following~~
27 ~~apply:~~

28 ~~(1) The child victim is a resident of this Commonwealth.~~

29 ~~(2) The other state's child protective services agency~~
30 ~~fails to investigate the report.~~

1 ~~(b) Resident alleged perpetrator.~~

2 ~~(1) If suspected child abuse occurs in a jurisdiction~~
3 ~~other than this Commonwealth and the alleged perpetrator is a~~
4 ~~resident of this Commonwealth, the report of suspected child~~
5 ~~abuse shall be referred to the county agency where the~~
6 ~~alleged perpetrator resides.~~

7 ~~(2) The county agency shall do all of the following:~~

8 ~~(i) Contact the children and youth social service~~
9 ~~agency of the jurisdiction in which the suspected child~~
10 ~~abuse occurred.~~

11 ~~(ii) Investigate the suspected child abuse, either~~
12 ~~alone or in cooperation with the other agency.~~

13 ~~(c) Copies of report. A copy of the report of suspected~~
14 ~~child abuse shall be provided to the other state's child~~
15 ~~protective services agency and, if appropriate, to law~~
16 ~~enforcement officials where the incident occurred.~~

17 ~~(d) Communication. Reports and information under this~~
18 ~~section shall be provided within seven calendar days of~~
19 ~~completion of the investigation.~~

20 ~~§ 6325. (Reserved).~~

21 ~~§ 6326. (Reserved).~~

22 ~~§ 6327. Cooperation.~~

23 ~~(a) General rule. Commonwealth agencies, political~~
24 ~~subdivisions, a county agency, law enforcement official or any~~
25 ~~other agency providing services under the county plan for~~
26 ~~protective services shall provide any assistance and data to the~~
27 ~~department that will enable the department, the county agency~~
28 ~~and law enforcement officials to fulfill their responsibilities.~~

29 ~~(b) Willful failure to cooperate.~~

30 ~~(1) At the request of the department or county agency~~

~~1 school, hospital, health care provider or an employee or
2 independent contractor shall immediately provide information
3 requested to the department or county agency if the
4 information relates to suspected child abuse or the need for
5 general protective services.~~

~~6 (2) No individual may prohibit the department or county
7 agency from interviewing the child who is the subject of
8 suspected child abuse. Parental consent shall not be required
9 prior to the child's being interviewed by the department or
10 county agency.~~

~~11 (3) The following shall apply:~~

~~12 (i) Any person failing to timely produce the
13 requested information under this section commits a
14 misdemeanor of the third degree.~~

~~15 (ii) Any person barring, inhibiting or precluding
16 sufficient access to the subject child commits a
17 misdemeanor of the second degree.~~

~~18 (c) Cooperation of county and law enforcement. A county
19 agency and law enforcement official shall cooperate, to the
20 fullest extent possible, to respond to and investigate reports
21 of suspected child abuse. Counties shall exchange information
22 and cooperate to investigate reports and provide services to
23 children who may move from one county to another.~~

~~24 (d) Advice to county agency. If a report of suspected child
25 abuse is referred from a county agency to a law enforcement
26 official under section 6340(a)(9) and (10) (relating to release
27 of information in confidential reports), the law enforcement
28 official shall expeditiously advise the county agency of the
29 progress of a criminal investigation, the results of the
30 investigation and any criminal prosecution. The county agency~~

1 ~~shall refer the information to the Statewide database.~~

2 ~~Section 5. Title 23 is amended by adding a section to read:~~

3 ~~§ 6335.1. Access to information in Statewide database.~~

4 ~~(a) Use for assessment or investigation. A county agency or~~
5 ~~law enforcement official shall use the Statewide toll free~~
6 ~~telephone number, or any manner prescribed by the department, to~~
7 ~~determine the existence of any prior reports involving a~~
8 ~~subject of the report. If the Statewide database contains~~
9 ~~information indicating a prior report or a pending~~
10 ~~investigation concerning a subject of the report, the department~~
11 ~~shall immediately convey this information to the county agency~~
12 ~~or law enforcement official.~~

13 ~~(b) Use by county agency or law enforcement official. A~~
14 ~~county agency or law enforcement official may only request the~~
15 ~~information under subsection (a) for the purposes of assessing~~
16 ~~and investigating reports of child abuse, allegations that a~~
17 ~~child is in need of general protective services or investigating~~
18 ~~a crime against a child.~~

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

25 ~~(1) Section 6323 (relating to disposition of initial~~
26 ~~reports).~~

27 ~~(2) Section 6340 (relating to release of information in~~
28 ~~confidential reports).~~

29 ~~(3) Section 6342 (relating to studies of data in~~
30 ~~records).~~

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

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

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

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

~~(e) Electronic technologies. Requests under this section may be made using electronic technologies, if appropriate verification is made in accordance with section 6322(c) (relating to access to reports).~~

~~Section 6. Section 6336 of Title 23 is repealed:~~

~~§ 6336. Information in Statewide central register.~~

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

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

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

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

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

~~(5) Family composition.~~

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

1 ~~(7) Factors contributing to the abuse.~~

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

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

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

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

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

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

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

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

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

27 ~~(2) The number of such reports.~~

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

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

1 ~~(5) Any other information available which would further~~
2 ~~the purposes of this chapter.~~

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

16 ~~Section 7. Sections 6339 and 6340(a)(2), (9), (10), (12) and~~
17 ~~(13), (b), (c) and (d) of Title 23 are amended to read:~~

18 ~~§ 6339. Confidentiality of reports.~~

19 ~~Except as otherwise provided in this subchapter, reports made~~
20 ~~pursuant to this chapter, including, but not limited to, report~~
21 ~~summaries of child abuse and [written] reports made pursuant to~~
22 ~~section [6313(b) and (c)] 6313 (relating to reporting procedure)~~
23 ~~as well as any other information obtained, reports written or~~
24 ~~photographs or X rays taken concerning alleged instances of~~
25 ~~child abuse in the possession of the department or a county~~
26 ~~agency shall be confidential.~~

27 ~~§ 6340. Release of information in confidential reports.~~

28 ~~(a) General rule. Reports specified in section 6339~~
29 ~~(relating to confidentiality of reports) shall only be made~~
30 ~~available to:~~

1 ~~* * *~~

2 ~~[(2) A physician examining or treating a child or the~~
3 ~~director or a person specifically designated in writing by~~
4 ~~the director of any hospital or other medical institution~~
5 ~~where a child is being treated when the physician or the~~
6 ~~director or the designee of the director suspects the child~~
7 ~~of being an abused child or a child alleged to be in need of~~
8 ~~protection under this chapter.]~~

9 ~~* * *~~

10 ~~(9) Law enforcement officials of any jurisdiction, as~~
11 ~~long as the information is relevant in the course of~~
12 ~~investigating cases of:~~

13 ~~(i) Homicide or other criminal offense set forth in~~
14 ~~section 6344(c) (relating to information relating to~~
15 ~~prospective child care personnel), sexual abuse[, sexual]~~
16 ~~or exploitation, bodily injury or serious bodily injury~~
17 ~~[or serious physical injury perpetrated by persons~~
18 ~~whether or not related to the victim] caused by a~~
19 ~~perpetrator or nonperpetrator.~~

20 ~~(ii) [Child abuse perpetrated by persons who are not~~
21 ~~family members.] Child abuse other than that identified~~
22 ~~under subparagraph (i) by a nonperpetrator.~~

23 ~~(iii) Repeated physical injury to a child under~~
24 ~~circumstances which indicate that the child's health,~~
25 ~~safety or welfare is harmed or threatened.~~

26 ~~(iv) A missing child report.~~

27 ~~(10) The district [attorney or his designee] attorney's~~
28 ~~office or other law enforcement official, as set forth in~~
29 ~~[the] county protocols for multidisciplinary investigative~~
30 ~~teams required in section 6365(c) (relating to services for~~

1 ~~prevention, investigation and treatment of child abuse),~~
2 ~~shall receive, immediately after the county agency has~~
3 ~~ensured the safety of the child, reports of abuse [, either~~
4 ~~orally or in writing,] according to regulations [promulgated~~
5 ~~by the department], from the department or county agency in~~
6 ~~which the initial report of suspected child abuse or initial~~
7 ~~inquiry into the report gives evidence that the abuse is:~~

8 ~~(i) a criminal offense set forth [in] under section~~
9 ~~6344(e), not including an offense under 18 Pa.C.S. § 4304~~
10 ~~(relating to endangering welfare of children) or an~~
11 ~~equivalent crime under Federal law or [the] law of~~
12 ~~another state[, sexual abuse, sexual exploitation or~~
13 ~~serious bodily injury perpetrated by persons, whether or~~
14 ~~not related to the victim]; or~~

15 ~~(ii) child abuse [perpetrated by persons who are not~~
16 ~~family members; or~~

17 ~~(iii) serious physical injury involving extensive~~
18 ~~and severe bruising, burns, broken bones, lacerations,~~
19 ~~internal bleeding, shaken baby syndrome or choking or an~~
20 ~~injury that significantly impairs a child's physical~~
21 ~~functioning, either temporarily or permanently] under~~
22 ~~section 6321(2) or (3) (relating to responsibility for~~
23 ~~investigation).~~

24 ~~* * *~~

25 ~~(12) A mandated reporter of suspected child abuse [as~~
26 ~~defined in] under section 6311 (relating to persons required~~
27 ~~to report suspected child abuse) who made a report of abuse~~
28 ~~involving the subject child, [but the information permitted~~
29 ~~to be released to the mandated reporter] shall be limited to~~
30 ~~the following:~~

1 ~~(i) [The final status of] Whether the child abuse~~
2 ~~report [following the investigation, whether it be] is~~
3 ~~indicated, founded or unfounded.~~

4 ~~(ii) Any services provided, arranged for or to be~~
5 ~~provided by the county agency to protect the child.~~

6 ~~(13) [Persons required to make reports under Subchapter~~
7 ~~C.1 (relating to students in public and private schools).~~
8 ~~Information under this paragraph shall be limited to the~~
9 ~~final status of the report following the investigation as to~~
10 ~~whether the report is indicated, founded or unfounded.]~~
11 ~~School administrators, if the alleged perpetrator is a school~~
12 ~~employee, shall receive notice of a pending allegation and~~
13 ~~the final status of the report following the investigation as~~
14 ~~to whether the report is indicated, founded or unfounded.~~
15 ~~Information disclosed pursuant to this paragraph shall be~~
16 ~~provided to the school administrator within ten days of the~~
17 ~~completion of the investigation.~~

18 ~~* * *~~

19 ~~(b) Release of information to subject [of report]. [At any~~
20 ~~time and upon] Upon a written request, a subject of a report may~~
21 ~~receive a copy of all information, except that prohibited from~~
22 ~~being disclosed by subsection (c), contained in the Statewide~~
23 ~~[central register] database or in any report filed pursuant to~~
24 ~~section 6313 (relating to reporting procedure).~~

25 ~~(c) Protecting identity [of person making report]. Except~~
26 ~~for reports [pursuant to] under subsection (a) (9) and (10), and~~
27 ~~in response to a law enforcement official investigating~~
28 ~~allegations of false reports under 18 Pa.C.S. § 4906.1 (relating~~
29 ~~to false reports of child abuse), the release of data that would~~
30 ~~identify the person who made a report of suspected child abuse~~

1 ~~or [the person] who cooperated in a subsequent investigation is~~
2 ~~prohibited unless the [secretary] department finds that the~~
3 ~~release will not be detrimental to the safety of [that] the~~
4 ~~person. Law enforcement officials shall treat all reporting~~
5 ~~sources as confidential informants.~~

6 ~~(d) Exclusion of [administrative] information. Information~~
7 ~~maintained in the Statewide [central register which was]~~
8 ~~database obtained from an investigating agency in relation to an~~
9 ~~appeal request shall not be released to any person except a~~
10 ~~department official [, as provided by regulation].~~

11 ~~Section 8. Title 23 is amended by adding a section to read:~~
12 ~~§ 6387. Background checks.~~

13 ~~Payment for a background check relating to child abuse may be~~
14 ~~paid for by an individual or organization by check, money order~~
15 ~~or by credit or debit card when the system becomes available.~~

16 ~~Section 9. This act shall take effect January 1, 2014.~~

17 SECTION 1. SECTION 6303(A) OF TITLE 23 OF THE PENNSYLVANIA <--
18 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
19 § 6303. DEFINITIONS.

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

23 * * *

24 "ELECTRONIC TECHNOLOGIES." THE TRANSFER OF INFORMATION IN
25 WHOLE OR IN PART BY TECHNOLOGY HAVING ELECTRICAL, DIGITAL,
26 MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, PHOTO-ELECTRONIC
27 OR PHOTO-OPTICAL SYSTEMS, OR SIMILAR CAPABILITIES. THE TERM
28 INCLUDES, BUT IS NOT LIMITED TO, E-MAIL, INTERNET COMMUNICATION
29 OR OTHER MEANS OF ELECTRONIC TRANSMISSION.

30 * * *

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

2 (1) THE ATTORNEY GENERAL.

3 (2) A PENNSYLVANIA DISTRICT ATTORNEY.

4 (3) A PENNSYLVANIA STATE POLICE OFFICER.

5 (4) A MUNICIPAL POLICE OFFICER.

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

8 * * *

9 SECTION 2. TITLE 23 IS AMENDED BY ADDING SECTIONS TO READ:

10 § 6304. (RESERVED).

11 § 6305. ELECTRONIC REPORTING.

12 (A) DEPARTMENTAL PROCEDURES.--THE DEPARTMENT SHALL ESTABLISH
13 PROCEDURES FOR THE SECURE AND CONFIDENTIAL USE OF ELECTRONIC
14 TECHNOLOGIES TO TRANSMIT INFORMATION UNDER THIS CHAPTER,
15 INCLUDING:

16 (1) THE FILING OF REPORTS AND OTHER REQUIRED RECORDS,
17 INCLUDING THOSE OF THE COUNTY AGENCY; AND

18 (2) THE VERIFICATION OF RECORDS AND SIGNATURES ON FORMS.

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

25 (C) EFFECT ON OTHER LAW.--NOTHING IN THIS CHAPTER SHALL BE
26 CONSTRUED TO SUPERSEDE THE ACT OF DECEMBER 16, 1999 (P.L.971,
27 NO.69), KNOWN AS THE ELECTRONIC TRANSACTIONS ACT. ANY PROCEDURES
28 DEVELOPED BY THE DEPARTMENT UNDER THIS SECTION SHALL COMPLY WITH
29 ALL APPLICABLE FEDERAL AND STATE LAWS REGARDING CONFIDENTIALITY
30 OF PERSONALLY IDENTIFIABLE INFORMATION.

1 § 6306. REGULATIONS.

2 THE DEPARTMENT SHALL PROMULGATE REGULATIONS NECESSARY TO
3 IMPLEMENT THIS CHAPTER.

4 SECTION 3. SECTIONS 6317, 6331, 6332(A), 6333 AND 6334 OF
5 TITLE 23 ARE AMENDED TO READ:

6 § 6317. MANDATORY REPORTING AND POSTMORTEM INVESTIGATION OF
7 DEATHS.

8 A PERSON OR OFFICIAL REQUIRED TO REPORT CASES OF SUSPECTED
9 CHILD ABUSE, INCLUDING EMPLOYEES OF A COUNTY AGENCY, WHO HAS
10 REASONABLE CAUSE TO SUSPECT THAT A CHILD DIED AS A RESULT OF
11 CHILD ABUSE SHALL REPORT THAT SUSPICION TO THE APPROPRIATE
12 CORONER OR MEDICAL EXAMINER. THE CORONER OR MEDICAL EXAMINER
13 SHALL ACCEPT THE REPORT FOR INVESTIGATION AND SHALL REPORT HIS
14 FINDING TO THE POLICE, THE DISTRICT ATTORNEY, THE APPROPRIATE
15 COUNTY AGENCY AND, IF THE REPORT IS MADE BY A HOSPITAL, THE
16 HOSPITAL.

17 § 6331. ESTABLISHMENT OF [PENDING COMPLAINT FILE, STATEWIDE
18 CENTRAL REGISTER AND FILE OF UNFOUNDED REPORTS]
19 STATEWIDE DATABASE.

20 THERE SHALL BE ESTABLISHED IN THE DEPARTMENT[:

21 (1) A PENDING COMPLAINT FILE OF CHILD ABUSE REPORTS
22 UNDER INVESTIGATION AND A FILE OF REPORTS UNDER INVESTIGATION
23 PURSUANT TO SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC
24 AND PRIVATE SCHOOLS).

25 (2) A STATEWIDE CENTRAL REGISTER OF CHILD ABUSE WHICH
26 SHALL CONSIST OF FOUNDED AND INDICATED REPORTS.

27 (3) A FILE OF UNFOUNDED REPORTS AWAITING EXPUNCTION.]

28 A STATEWIDE DATABASE OF PROTECTIVE SERVICES, WHICH SHALL
29 INCLUDE THE FOLLOWING, AS PROVIDED BY SECTION 6336 (RELATING TO
30 INFORMATION IN STATEWIDE DATABASE):

1 (1) REPORTS OF SUSPECTED CHILD ABUSE PENDING
2 INVESTIGATION.

3 (2) REPORTS WITH A STATUS OF PENDING JUVENILE COURT OR
4 PENDING CRIMINAL COURT ACTION.

5 (3) INDICATED AND FOUNDED REPORTS OF CHILD ABUSE.

6 (4) UNFOUNDED REPORTS OF CHILD ABUSE AWAITING
7 EXPUNCTION.

8 (5) UNFOUNDED REPORTS ACCEPTED FOR SERVICES.

9 (6) REPORTS ALLEGING THE NEED FOR GENERAL PROTECTIVE
10 SERVICES.

11 (7) GENERAL PROTECTIVE SERVICES REPORTS THAT HAVE BEEN
12 DETERMINED TO BE VALID.

13 (8) REPORTS ALLEGING THE NEED FOR GENERAL PROTECTIVE
14 SERVICES THAT HAVE BEEN DETERMINED INVALID AND ARE AWAITING
15 EXPUNCTION.

16 (9) A FAMILY CASE RECORD FOR ALL REPORTS ACCEPTED FOR
17 INVESTIGATION, ASSESSMENT OR SERVICES.

18 (10) INFORMATION ON REPORTS MADE TO THE AGENCY, BUT NOT
19 ACCEPTED FOR INVESTIGATION OR ASSESSMENT.

20 § 6332. ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE NUMBER.

21 (A) GENERAL RULE.--THE DEPARTMENT SHALL ESTABLISH A SINGLE
22 STATEWIDE TOLL-FREE TELEPHONE NUMBER THAT ALL PERSONS, WHETHER
23 MANDATED BY LAW OR NOT, MAY USE TO REPORT CASES OF SUSPECTED
24 CHILD ABUSE OR CHILDREN ALLEGEDLY IN NEED OF GENERAL PROTECTIVE
25 SERVICES. A COUNTY AGENCY OR LAW ENFORCEMENT OFFICIAL SHALL USE
26 THE STATEWIDE TOLL-FREE TELEPHONE NUMBER OR ELECTRONIC
27 TECHNOLOGIES FOR DETERMINING THE EXISTENCE OF [PRIOR FOUNDED OR
28 INDICATED] REPORTS OF CHILD ABUSE OR GENERAL PROTECTIVE SERVICES
29 REPORTS IN THE STATEWIDE [CENTRAL REGISTER] DATABASE OR REPORTS
30 UNDER INVESTIGATION [IN THE PENDING COMPLAINT FILE].

1 * * *

2 § 6333. CONTINUOUS AVAILABILITY OF DEPARTMENT.

3 THE DEPARTMENT SHALL BE CAPABLE OF RECEIVING ORAL REPORTS OF
4 CHILD ABUSE [MADE], REPORTS OF CHILDREN IN NEED OF GENERAL
5 PROTECTIVE SERVICES, REPORTS MADE BY ELECTRONIC TECHNOLOGIES
6 PURSUANT TO THIS CHAPTER[, REPORTS UNDER SECTION 6353.2
7 (RELATING TO RESPONSIBILITIES OF COUNTY AGENCY)] AND REPORT
8 SUMMARIES [OF CHILD ABUSE] FROM COUNTY AGENCIES [AND]. THE
9 DEPARTMENT SHALL BE CAPABLE OF IMMEDIATELY IDENTIFYING PRIOR
10 REPORTS [OF CHILD ABUSE AND PRIOR REPORTS OF ABUSE OR INJURY
11 UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC AND PRIVATE
12 SCHOOLS) IN THE STATEWIDE CENTRAL REGISTER] IN THE STATEWIDE
13 DATABASE AND REPORTS UNDER INVESTIGATION [IN THE PENDING
14 COMPLAINT FILE] WITH A PENDING STATUS AND OF MONITORING THE
15 PROVISION OF CHILD PROTECTIVE SERVICES 24 HOURS A DAY, SEVEN
16 DAYS A WEEK.

17 § 6334. DISPOSITION OF COMPLAINTS RECEIVED.

18 [(A) NOTICE TO COUNTY AGENCY.--UPON RECEIPT OF A COMPLAINT
19 OF SUSPECTED CHILD ABUSE, THE DEPARTMENT SHALL IMMEDIATELY
20 TRANSMIT ORALLY TO THE APPROPRIATE COUNTY AGENCY NOTICE THAT THE
21 COMPLAINT OF SUSPECTED CHILD ABUSE HAS BEEN RECEIVED AND THE
22 SUBSTANCE OF THE COMPLAINT. IF THE STATEWIDE CENTRAL REGISTER OR
23 THE PENDING COMPLAINT FILE CONTAINS INFORMATION INDICATING A
24 PRIOR REPORT OR A CURRENT INVESTIGATION CONCERNING A SUBJECT OF
25 THE REPORT, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE
26 APPROPRIATE COUNTY AGENCY OF THIS FACT. THE APPROPRIATE COUNTY
27 AGENCY SHALL MEAN THE AGENCY IN THE COUNTY WHERE THE SUSPECTED
28 CHILD ABUSE OCCURRED. IF THE RESIDENCY OF THE SUBJECTS IS A
29 FACTOR THAT REQUIRES THE COOPERATION OF MORE THAN ONE COUNTY
30 AGENCY, THE DEPARTMENT SHALL DEVELOP REGULATIONS TO ENSURE THE

1 COOPERATION OF THOSE AGENCIES IN CARRYING OUT THE REQUIREMENTS
2 OF THIS CHAPTER.

3 (B) REFERRAL FOR SERVICES OR INVESTIGATION.--IF THE
4 COMPLAINT RECEIVED DOES NOT SUGGEST SUSPECTED CHILD ABUSE BUT
5 DOES SUGGEST A NEED FOR SOCIAL SERVICES OR OTHER SERVICES OR
6 INVESTIGATION, THE DEPARTMENT SHALL TRANSMIT THE INFORMATION TO
7 THE COUNTY AGENCY OR OTHER PUBLIC AGENCY FOR APPROPRIATE ACTION.
8 THE INFORMATION SHALL NOT BE CONSIDERED A CHILD ABUSE REPORT
9 UNLESS THE AGENCY TO WHICH THE INFORMATION WAS REFERRED HAS
10 REASONABLE CAUSE TO SUSPECT AFTER INVESTIGATION THAT ABUSE
11 OCCURRED. IF THE AGENCY HAS REASONABLE CAUSE TO SUSPECT THAT
12 ABUSE OCCURRED, THE AGENCY SHALL NOTIFY THE DEPARTMENT, AND THE
13 INITIAL COMPLAINT SHALL BE CONSIDERED TO HAVE BEEN A CHILD ABUSE
14 REPORT.

15 (C) RECORDING IN PENDING COMPLAINT FILE.--UPON RECEIPT OF A
16 COMPLAINT OF SUSPECTED CHILD ABUSE, THE DEPARTMENT SHALL
17 MAINTAIN A RECORD OF THE COMPLAINT OF SUSPECTED CHILD ABUSE IN
18 THE PENDING COMPLAINT FILE. UPON RECEIPT OF A REPORT UNDER
19 SECTION 6353.2 (RELATING TO RESPONSIBILITIES OF COUNTY AGENCY),
20 THE DEPARTMENT SHALL MAINTAIN A RECORD OF THE REPORT IN THE
21 REPORT FILE UNDER SECTION 6331 (RELATING TO ESTABLISHMENT OF
22 PENDING COMPLAINT FILE, STATEWIDE CENTRAL REGISTER AND FILE OF
23 UNFOUNDED REPORTS).

24 (D) INCIDENTS OCCURRING OUTSIDE OF THIS COMMONWEALTH.--

25 (1) A REPORT OF SUSPECTED CHILD ABUSE OCCURRING IN
26 ANOTHER STATE WHERE THE CHILD VICTIM IS IDENTIFIED AS A
27 RESIDENT OF THIS COMMONWEALTH AND THE OTHER STATE CHILD
28 PROTECTIVE SERVICES AGENCY CANNOT INVESTIGATE THE REPORT
29 BECAUSE OF STATUTORY OR POLICY LIMITATIONS SHALL BE ASSIGNED
30 AS A GENERAL PROTECTIVE SERVICES REPORT TO THE COUNTY OF THE

1 CHILD'S RESIDENCE OR AS DETERMINED BY THE DEPARTMENT.

2 (2) IN ADDITION TO COMPLYING WITH THE OTHER REQUIREMENTS
3 OF THIS CHAPTER AND APPLICABLE REGULATIONS, A COPY OF THE
4 REPORT SHALL BE PROVIDED TO THE OTHER STATE'S CHILD
5 PROTECTIVE SERVICES AGENCY AND, WHEN APPLICABLE UNDER
6 PENNSYLVANIA LAW, TO LAW ENFORCEMENT OFFICIALS WHERE THE
7 INCIDENT OCCURRED.

8 (3) REPORTS AND INFORMATION UNDER THIS SUBSECTION SHALL
9 BE PROVIDED WITHIN SEVEN CALENDAR DAYS OF COMPLETION OF THE
10 GENERAL PROTECTIVE SERVICES ASSESSMENT UNDER SECTION 6375
11 (RELATING TO COUNTY AGENCY REQUIREMENTS FOR GENERAL
12 PROTECTIVE SERVICES).]

13 (A) RECEIPT OF REPORTS BY COUNTY AGENCIES AND LAW
14 ENFORCEMENT.--AFTER ENSURING THE IMMEDIATE SAFETY OF THE CHILD
15 AND ANY OTHER CHILD IN THE CHILD'S HOME, A COUNTY AGENCY OR LAW
16 ENFORCEMENT OFFICIAL THAT RECEIVES A REPORT OF SUSPECTED CHILD
17 ABUSE SHALL IMMEDIATELY NOTIFY THE DEPARTMENT OF THE REPORT. IF
18 THE REPORT IS AN ORAL REPORT BY TELEPHONE, THE COUNTY AGENCY OR
19 LAW ENFORCEMENT OFFICIAL SHALL ATTEMPT TO COLLECT AS MUCH OF THE
20 INFORMATION LISTED IN SECTION 6313(C) (RELATING TO REPORTING
21 PROCEDURE) AS POSSIBLE AND SHALL SUBMIT THE INFORMATION TO THE
22 DEPARTMENT WITHIN 48 HOURS THROUGH A REPORT IN WRITING OR BY
23 ELECTRONIC TECHNOLOGIES.

24 (B) RECEIPT OF REPORTS BY DEPARTMENT AND REFERRAL TO COUNTY
25 AGENCY.--THE DEPARTMENT SHALL IMMEDIATELY TRANSMIT AN ORAL
26 NOTICE OR A NOTICE BY ELECTRONIC TECHNOLOGIES TO THE COUNTY
27 AGENCY OF THE COUNTY WHERE THE SUSPECTED CHILD ABUSE IS ALLEGED
28 TO HAVE OCCURRED. THE NOTICE SHALL CONTAIN THE FOLLOWING
29 INFORMATION:

30 (1) THAT A REPORT OF SUSPECTED CHILD ABUSE BY A

1 PERPETRATOR HAS BEEN RECEIVED.

2 (2) THE SUBSTANCE OF THE REPORT.

3 (3) THE EXISTENCE IN THE STATEWIDE DATABASE OF A PRIOR
4 REPORT OR A CURRENT INVESTIGATION OR ASSESSMENT CONCERNING A
5 SUBJECT OF THE REPORT.

6 (C) RECEIPT OF REPORTS BY DEPARTMENT AND REFERRAL TO LAW
7 ENFORCEMENT.--IF THE DEPARTMENT RECEIVES A REPORT OF SUSPECTED
8 CHILD ABUSE THAT ALSO ALLEGES THAT A CRIMINAL OFFENSE HAS BEEN
9 COMMITTED AGAINST THE CHILD, THE DEPARTMENT SHALL IMMEDIATELY
10 TRANSMIT AN ORAL NOTICE OR NOTICE BY ELECTRONIC TECHNOLOGIES TO
11 THE APPROPRIATE LAW ENFORCEMENT OFFICIAL IN THE COUNTY WHERE THE
12 SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE OCCURRED. THE NOTICE
13 SHALL CONTAIN THE FOLLOWING INFORMATION, CONSISTENT WITH SECTION
14 6340(A)(9) AND (10) (RELATING TO RELEASE OF INFORMATION IN
15 CONFIDENTIAL REPORTS):

16 (1) THAT A REPORT OF SUSPECTED CHILD ABUSE HAS BEEN
17 RECEIVED.

18 (2) THE SUBSTANCE OF THE REPORT.

19 (3) THE EXISTENCE IN THE STATEWIDE DATABASE UNDER
20 SECTION 6331 (RELATING TO ESTABLISHMENT OF STATEWIDE
21 DATABASE) OF A PRIOR REPORT OR A CURRENT INVESTIGATION OR
22 ASSESSMENT CONCERNING A SUBJECT OF THE REPORT.

23 (D) NOTICE OF JOINT REFERRALS.--WHEN A REPORT IS REFERRED TO
24 THE COUNTY AGENCY UNDER SUBSECTION (B) AND IS ALSO REFERRED TO A
25 LAW ENFORCEMENT OFFICIAL UNDER SUBSECTION (C), THE NOTICE SHALL
26 INCLUDE INFORMATION AS TO THE NAME AND CONTACT INFORMATION OF
27 ANY PERSONS RECEIVING THE REFERRAL, IF KNOWN.

28 (E) JURISDICTIONAL OVERLAP.--IF THE RESIDENCY OF ANY SUBJECT
29 OF A REPORT IS A FACTOR THAT REQUIRES THE COOPERATION OF MORE
30 THAN ONE COUNTY AGENCY, THE DEPARTMENT SHALL DEVELOP PROCEDURES

1 TO ENSURE THE COOPERATION OF THOSE AGENCIES IN CARRYING OUT THE
2 REQUIREMENTS OF THIS CHAPTER.

3 (F) REFERRAL FOR SERVICES OR INVESTIGATION.--IF THE REPORT
4 RECEIVED DOES NOT SUGGEST A NEED FOR PROTECTIVE SERVICES BUT
5 DOES SUGGEST A NEED FOR SOCIAL SERVICES OR OTHER SERVICES OR
6 INVESTIGATION, THE DEPARTMENT SHALL TRANSMIT THE INFORMATION TO
7 THE COUNTY AGENCY OR OTHER PUBLIC AGENCY FOR APPROPRIATE ACTION.
8 THE INFORMATION SHALL NOT BE CONSIDERED A CHILD ABUSE REPORT
9 UNLESS THE AGENCY TO WHICH THE INFORMATION WAS REFERRED HAS
10 REASONABLE CAUSE TO SUSPECT AFTER INVESTIGATION THAT ABUSE
11 OCCURRED. IF THE AGENCY HAS REASONABLE CAUSE TO SUSPECT THAT
12 ABUSE OCCURRED, THE AGENCY SHALL NOTIFY THE DEPARTMENT, AND THE
13 INITIAL REPORT SHALL BE CONSIDERED TO HAVE BEEN A CHILD ABUSE
14 REPORT.

15 (G) RECORDING OF PENDING REPORTS.--UPON RECEIPT OF A REPORT
16 OF SUSPECTED CHILD ABUSE, THE DEPARTMENT SHALL MAINTAIN A RECORD
17 OF THE COMPLAINT OF SUSPECTED CHILD ABUSE IN THE STATEWIDE
18 DATABASE. UPON RECEIPT OF A REPORT UNDER SECTION 6353.2
19 (RELATING TO RESPONSIBILITIES OF COUNTY AGENCY), THE DEPARTMENT
20 SHALL MAINTAIN A RECORD OF THE REPORT IN THE STATEWIDE DATABASE
21 UNDER SECTION 6331 (RELATING TO ESTABLISHMENT OF STATEWIDE
22 DATABASE).

23 (H) CHILD ABUSE IN ANOTHER STATE WHERE THE VICTIM CHILD AND
24 THE ALLEGED PERPETRATOR ARE RESIDENTS OF THE COMMONWEALTH.--A
25 REPORT OF SUSPECTED CHILD ABUSE BY A RESIDENT PERPETRATOR
26 OCCURRING IN ANOTHER STATE SHALL BE REFERRED BY THE DEPARTMENT
27 TO THE COUNTY AGENCY WHERE THE CHILD RESIDES IN THIS
28 COMMONWEALTH AND SHALL BE INVESTIGATED BY THE COUNTY AGENCY AS
29 ANY OTHER REPORT OF SUSPECTED CHILD ABUSE BY A PERPETRATOR IF
30 THE OTHER STATE'S CHILD PROTECTIVE SERVICES AGENCY CANNOT OR

1 WILL NOT INVESTIGATE THE REPORT.

2 (I) CHILD ABUSE IN ANOTHER STATE WHERE ONLY THE ALLEGED
3 PERPETRATOR IS A RESIDENT OF THIS COMMONWEALTH.--IF SUSPECTED
4 CHILD ABUSE OCCURS IN A JURISDICTION OTHER THAN THIS
5 COMMONWEALTH AND ONLY THE ALLEGED PERPETRATOR IS A RESIDENT OF
6 THIS COMMONWEALTH, THE REPORT OF SUSPECTED CHILD ABUSE SHALL BE
7 REFERRED TO THE COUNTY AGENCY WHERE THE ALLEGED PERPETRATOR
8 RESIDES. THE COUNTY AGENCY SHALL DO ALL OF THE FOLLOWING:

9 (1) NOTIFY THE CHILDREN AND YOUTH SOCIAL SERVICE AGENCY
10 OF THE JURISDICTION IN WHICH THE SUSPECTED CHILD ABUSE
11 OCCURRED.

12 (2) IF REQUESTED BY THE OTHER AGENCY, ASSIST IN
13 INVESTIGATING THE SUSPECTED CHILD ABUSE.

14 (J) CHILD ABUSE IN ANOTHER STATE WHERE ONLY THE VICTIM CHILD
15 IS A RESIDENT OF THIS COMMONWEALTH.--A REPORT OF SUSPECTED CHILD
16 ABUSE OCCURRING IN ANOTHER STATE WHERE ONLY THE VICTIM CHILD
17 RESIDES IN THIS COMMONWEALTH, AND WHERE THE OTHER STATE'S CHILD
18 PROTECTIVE SERVICES AGENCY CANNOT OR WILL NOT INVESTIGATE THE
19 REPORT, SHALL BE ASSIGNED AS A GENERAL PROTECTIVE SERVICES
20 REPORT TO THE COUNTY AGENCY WHERE THE CHILD RESIDES.

21 (K) COPIES OF REPORT.--A COPY OF A REPORT OF SUSPECTED CHILD
22 ABUSE UNDER SUBSECTIONS (H), (I) AND (J) SHALL BE PROVIDED TO
23 THE OTHER STATE'S CHILD PROTECTIVE SERVICES AGENCY AND, IF
24 APPROPRIATE, TO LAW ENFORCEMENT OFFICIALS WHERE THE INCIDENT
25 OCCURRED.

26 (L) COMMUNICATION.--REPORTS AND INFORMATION UNDER
27 SUBSECTIONS (H), (I) AND (J) SHALL BE PROVIDED WITHIN SEVEN
28 CALENDAR DAYS OF COMPLETION OF THE INVESTIGATION.

29 SECTION 4. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:
30 § 6334.1. RESPONSIBILITY FOR INVESTIGATION.

1 THE DEPARTMENT SHALL ESTABLISH PROCEDURES REGARDING THE
2 FOLLOWING DIFFERENT RESPONSES TO ADDRESS SUSPECTED CHILD ABUSE
3 AND PROTECTIVE SERVICES DEPENDING ON THE PERSON'S ALLEGEDLY
4 COMMITTING THE SUSPECTED CHILD ABUSE OR CAUSING A CHILD TO BE IN
5 NEED OF PROTECTIVE SERVICES:

6 (1) IF THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE BEEN
7 COMMITTED BY A PERPETRATOR, THE APPROPRIATE COUNTY AGENCY
8 SHALL INVESTIGATE THE ALLEGATION AS PROVIDED IN THIS CHAPTER.

9 (2) IF THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE BEEN
10 COMMITTED BY A PERPETRATOR AND THE BEHAVIOR CONSTITUTING THE
11 SUSPECTED CHILD ABUSE MAY INCLUDE A VIOLATION OF A CRIMINAL
12 OFFENSE, THE APPROPRIATE COUNTY AGENCY AND LAW ENFORCEMENT
13 OFFICIALS SHALL JOINTLY INVESTIGATE THE ALLEGATION THROUGH
14 THE INVESTIGATIVE TEAM ESTABLISHED IN SECTION 6365(C)
15 (RELATING TO SERVICES FOR PREVENTION, INVESTIGATION AND
16 TREATMENT OF CHILD ABUSE) AND AS PROVIDED IN THIS CHAPTER.

17 (3) IF THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE BEEN
18 COMMITTED BY A PERSON WHO IS NOT A PERPETRATOR, AND THE
19 BEHAVIOR CONSTITUTING THE SUSPECTED CHILD ABUSE MAY INCLUDE A
20 VIOLATION OF A CRIMINAL OFFENSE, LAW ENFORCEMENT OFFICIALS
21 WHERE THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE OCCURRED
22 SHALL BE SOLELY RESPONSIBLE FOR INVESTIGATING THE ALLEGATION.

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

26 SECTION 5. SECTIONS 6335, 6336, 6337, 6338(A) AND (C), 6339,
27 6340(A) (9), (10), (12) AND (13), (B), (C) AND (D) AND 6342(A) OF
28 TITLE 23 ARE AMENDED TO READ:

29 § 6335. [INFORMATION IN PENDING COMPLAINT AND UNFOUNDED REPORT
30 FILES.

1 (A) INFORMATION AUTHORIZED.--THE INFORMATION CONTAINED IN
2 THE PENDING COMPLAINT FILE SHALL BE LIMITED TO THE INFORMATION
3 REQUIRED IN SECTIONS 6313(C) (RELATING TO REPORTING PROCEDURE)
4 AND 6353.2 (RELATING TO RESPONSIBILITIES OF COUNTY AGENCY). THE
5 INFORMATION CONTAINED IN THE FILE FOR UNFOUNDED REPORTS SHALL BE
6 LIMITED TO THE INFORMATION REQUIRED BY SECTION 6336 (RELATING TO
7 INFORMATION IN STATEWIDE CENTRAL REGISTER).

8 (B) ACCESS TO INFORMATION.--EXCEPT AS PROVIDED IN SECTIONS
9 6332 (RELATING TO ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE
10 NUMBER), 6334 (RELATING TO DISPOSITION OF COMPLAINTS RECEIVED),
11 6340 (RELATING TO RELEASE OF INFORMATION IN CONFIDENTIAL
12 REPORTS) AND 6342 (RELATING TO STUDIES OF DATA IN RECORDS), NO
13 PERSON, OTHER THAN AN EMPLOYEE OF THE DEPARTMENT IN THE COURSE
14 OF OFFICIAL DUTIES IN CONNECTION WITH THE RESPONSIBILITIES OF
15 THE DEPARTMENT UNDER THIS CHAPTER, SHALL AT ANY TIME HAVE ACCESS
16 TO ANY INFORMATION IN THE PENDING COMPLAINT FILE OR STATEWIDE
17 CENTRAL REGISTER. INFORMATION IN THE FILE OF UNFOUNDED REPORTS
18 SHALL BE AVAILABLE ONLY TO EMPLOYEES OF THE DEPARTMENT PURSUANT
19 TO THIS SUBSECTION, TO SUBJECTS OF A REPORT OR LAW ENFORCEMENT
20 OFFICIALS PURSUANT TO SECTION 6340 AND TO THE OFFICE OF ATTORNEY
21 GENERAL PURSUANT TO SECTION 6345 (RELATING TO AUDITS BY ATTORNEY
22 GENERAL) UNTIL THE REPORTS ARE EXPUNGED PURSUANT TO SECTION 6337
23 (RELATING TO DISPOSITION OF UNFOUNDED REPORTS).]

24 ACCESS TO INFORMATION IN STATEWIDE DATABASE.

25 (A) REQUEST FOR INFORMATION.--A COUNTY AGENCY OR LAW
26 ENFORCEMENT OFFICIAL SHALL USE THE STATEWIDE TOLL-FREE TELEPHONE
27 NUMBER, OR ANY MANNER PRESCRIBED BY THE DEPARTMENT, TO DETERMINE
28 THE EXISTENCE OF ANY PRIOR REPORTS INVOLVING A SUBJECT OF THE
29 REPORT. IF THE STATEWIDE DATABASE CONTAINS INFORMATION RELATED
30 TO A REPORT OR A PENDING INVESTIGATION OR ASSESSMENT CONCERNING

1 A SUBJECT OF THE REPORT, THE DEPARTMENT SHALL IMMEDIATELY CONVEY
2 THIS INFORMATION TO THE COUNTY AGENCY OR LAW ENFORCEMENT
3 OFFICIAL.

4 (B) VERIFICATION OF NEED.--INFORMATION MAY BE RELEASED UNDER
5 THIS SECTION IF A REQUEST FOR INFORMATION IS MADE ORALLY OR IN
6 WRITING AND THE DEPARTMENT HAS DONE ALL OF THE FOLLOWING:

7 (1) IDENTIFIED THE REQUESTER, INCLUDING ELECTRONIC
8 VERIFICATION OF THE REQUESTER'S IDENTITY.

9 (2) DETERMINED WHETHER THE REQUESTER IS AUTHORIZED TO
10 OBTAIN THE INFORMATION UNDER THIS SECTION.

11 (3) PROVIDED NOTICE TO THE REQUESTER THAT ACCESS AND
12 DISSEMINATION OF THE INFORMATION IS RESTRICTED AS PROVIDED BY
13 THIS CHAPTER.

14 (4) OBTAINED AN AFFIRMATION BY THE REQUESTER THAT THE
15 REQUEST IS WITHIN THE SCOPE OF THAT PERSON'S OFFICIAL DUTIES
16 AND THE PROVISIONS OF THIS CHAPTER.

17 (C) USE BY COUNTY AGENCY OR LAW ENFORCEMENT OFFICIAL.--A
18 COUNTY AGENCY OR LAW ENFORCEMENT OFFICIAL MAY ONLY REQUEST THE
19 INFORMATION UNDER SUBSECTION (A) FOR THE PURPOSES OF
20 INVESTIGATING REPORTS OF CHILD ABUSE, ASSESSING ALLEGATIONS THAT
21 A CHILD IS IN NEED OF GENERAL PROTECTIVE SERVICES, PROVIDING
22 PROTECTIVE SERVICES TO A CHILD OR INVESTIGATING A CRIME AGAINST
23 A CHILD CRIMINAL OFFENSE. THE FOLLOWING SHALL APPLY WHERE
24 INFORMATION IS REQUESTED PURSUANT TO THIS SECTION:

25 (1) A LAW ENFORCEMENT OFFICIAL MAY USE INFORMATION
26 CONTAINED IN THE STATEWIDE DATABASE FOR THE PURPOSE OF
27 INVESTIGATING A CRIMINAL OFFENSE AS FOLLOWS:

28 (I) INFORMATION REGARDING INDICATED AND FOUNDED
29 REPORTS MAY BE USED FOR ANY PURPOSE AUTHORIZED BY THIS
30 CHAPTER.

1 (II) INFORMATION ON ALL OTHER REPORTS MAY BE USED
2 FOR THE PURPOSES OF INVESTIGATING A CRIME INVOLVING HARM
3 OR THREATENED HARM TO A CHILD, AN ALLEGED VIOLATION OF
4 SECTION 6319 (RELATING TO PENALTIES FOR FAILURE TO REPORT
5 OR TO REFER) OR SECTION 6349 (RELATING TO PENALTIES), OR
6 AN ALLEGED VIOLATION OF 18 PA.C.S. § 4906.1 (RELATING TO
7 FALSE REPORTS OF CHILD ABUSE) OR 4958 (RELATING TO
8 INTIMIDATION, RETALIATION OR OBSTRUCTION IN CHILD ABUSE
9 CASES).

10 (2) A COUNTY AGENCY MAY USE INFORMATION CONTAINED IN THE
11 STATEWIDE DATABASE AS FOLLOWS:

12 (I) INFORMATION REGARDING INDICATED OR FOUNDED
13 REPORTS MAY BE USED FOR ANY PURPOSE AUTHORIZED BY THIS
14 CHAPTER.

15 (II) INFORMATION ON ALL OTHER REPORTS MAY BE USED
16 FOR ANY PURPOSE AUTHORIZED BY THIS CHAPTER, EXCEPT THAT
17 INFORMATION IN REPORTS THAT ARE NOT FOUNDED OR INDICATED
18 MAY NOT BE USED AS EVIDENCE BY THE COUNTY AGENCY WHEN
19 DETERMINING THAT A NEW REPORT OF SUSPECTED ABUSE IS AN
20 INDICATED REPORT.

21 (3) THE DEPARTMENT MAY USE INFORMATION CONTAINED IN THE
22 STATEWIDE DATABASE AS FOLLOWS:

23 (I) INFORMATION REGARDING INDICATED OR FOUNDED
24 REPORTS MAY BE USED FOR ANY PURPOSE AUTHORIZED BY THIS
25 CHAPTER.

26 (II) INFORMATION ON ALL OTHER REPORTS MAY BE USED
27 FOR ANY PURPOSE AUTHORIZED BY THIS CHAPTER, EXCEPT THAT
28 INFORMATION IN REPORTS THAT ARE NOT FOUNDED OR INDICATED
29 MAY NOT BE USED AS EVIDENCE BY THE DEPARTMENT WHEN
30 DETERMINING THAT A NEW REPORT OF SUSPECTED ABUSE IS AN

1 INDICATED REPORT.

2 (4) INFORMATION IN THE STATEWIDE DATABASE MAY NOT BE USED
3 FOR ANY PURPOSE NOT AUTHORIZED BY THIS CHAPTER.

4 (D) AUTHORIZED RELEASES FOR GOVERNMENTAL FUNCTIONS.--NO
5 PERSON, OTHER THAN AN EMPLOYEE OF THE DEPARTMENT IN THE COURSE
6 OF OFFICIAL DUTIES IN CONNECTION WITH THE RESPONSIBILITIES OF
7 THE DEPARTMENT UNDER THIS CHAPTER, SHALL HAVE ACCESS TO ANY
8 INFORMATION IN THE STATEWIDE DATABASE EXCEPT AS PROVIDED UNDER
9 THIS SECTION AND THE FOLLOWING:

10 (1) SECTION 6334 (RELATING TO DISPOSITION OF COMPLAINTS
11 RECEIVED).

12 (2) SECTION 6340 (RELATING TO RELEASE OF INFORMATION IN
13 CONFIDENTIAL REPORTS).

14 (3) SECTION 6342 (RELATING TO STUDIES OF DATA IN
15 RECORDS).

16 (4) SECTION 6343 (RELATING TO INVESTIGATING PERFORMANCE
17 OF COUNTY AGENCY).

18 (5) SECTION 6343.1 (RELATING TO CITIZEN REVIEW PANELS).

19 (6) SECTION 6347 (RELATING TO REPORTS TO GOVERNOR AND
20 GENERAL ASSEMBLY).

21 (E) CLEARANCES.--INFORMATION PROVIDED IN RESPONSE TO
22 INQUIRIES UNDER SECTION 6344 (RELATING TO INFORMATION RELATING
23 TO PROSPECTIVE CHILD-CARE PERSONNEL), 6344.1 (RELATING TO
24 INFORMATION RELATING TO FAMILY DAY-CARE HOME RESIDENTS) OR
25 6344.2 (RELATING TO INFORMATION RELATING TO OTHER PERSONS HAVING
26 CONTACT WITH CHILDREN) SHALL NOT INCLUDE UNFOUNDED REPORTS OF
27 CHILD ABUSE OR REPORTS RELATED TO GENERAL PROTECTIVE SERVICES
28 AND SHALL BE LIMITED TO THE FOLLOWING:

29 (1) WHETHER THE PERSON WAS NAMED AS A PERPETRATOR OF
30 CHILD ABUSE IN A FOUNDED OR INDICATED REPORT.

1 (2) WHETHER THERE IS AN INVESTIGATION PENDING IN WHICH
2 THE INDIVIDUAL IS AN ALLEGED PERPETRATOR.

3 (3) THE NUMBER, DATE OF THE INCIDENTS UPON WHICH THE
4 REPORT IS BASED AND THE TYPE OF ABUSE OR NEGLECT INVOLVED IN
5 ANY REPORTS IDENTIFIED UNDER PARAGRAPH (1).

6 (F) ELECTRONIC TECHNOLOGIES.--REQUESTS UNDER THIS SECTION
7 MAY BE MADE USING ELECTRONIC TECHNOLOGIES, IF APPROPRIATE
8 VERIFICATION IS MADE IN ACCORDANCE WITH SUBSECTION (B).

9 § 6336. INFORMATION IN STATEWIDE [CENTRAL REGISTER] DATABASE.

10 (A) INFORMATION AUTHORIZED.--THE STATEWIDE [CENTRAL
11 REGISTER] DATABASE SHALL INCLUDE AND SHALL BE LIMITED TO THE
12 FOLLOWING INFORMATION:

13 (1) THE NAMES, SOCIAL SECURITY NUMBERS, AGE, RACE,
14 ETHNICITY AND SEX OF THE SUBJECTS OF THE REPORTS.

15 (2) THE DATE OR DATES AND THE NATURE AND EXTENT OF THE
16 ALLEGED INSTANCES [OF SUSPECTED CHILD ABUSE] THAT CREATED THE
17 NEED FOR PROTECTIVE SERVICES.

18 (3) THE HOME ADDRESSES OF THE SUBJECTS OF THE REPORT.

19 (4) THE COUNTY IN WHICH THE [SUSPECTED ABUSE OCCURRED]
20 ALLEGED INCIDENTS THAT CREATED THE NEED FOR PROTECTIVE
21 SERVICES OCCURRED.

22 (5) FAMILY COMPOSITION.

23 (6) THE NAME AND RELATIONSHIP TO THE [ABUSED] CHILD IN
24 QUESTION AND OF OTHER PERSONS NAMED IN THE REPORT.

25 (7) FACTORS CONTRIBUTING TO THE [ABUSE] NEED FOR
26 PROTECTIVE SERVICES.

27 (8) THE SOURCE OF THE REPORT.

28 (9) SERVICES PLANNED OR PROVIDED.

29 (10) [WHETHER THE REPORT IS A FOUNDED REPORT OR AN
30 INDICATED REPORT.] IF THE REPORT ALLEGES CHILD ABUSE, WHETHER

1 THE REPORT WAS DETERMINED TO BE FOUNDED, INDICATED OR
2 UNFOUNDED.

3 (11) IF THE REPORT ALLEGED THE CHILD WAS IN NEED OF
4 GENERAL PROTECTIVE SERVICES, WHETHER THE REPORT WAS VALID OR
5 INVALID.

6 (12) IF THE REPORT WAS ACCEPTED FOR SERVICES AND THE
7 REASONS FOR THE ACCEPTANCE.

8 (13) IF THE REPORT WAS NOT ACCEPTED FOR SERVICES, THE
9 REASON THE REPORT WAS NOT ACCEPTED AND WHETHER THE FAMILY WAS
10 REFERRED TO OTHER COMMUNITY SERVICES.

11 [(11)] (14) INFORMATION OBTAINED BY THE DEPARTMENT IN
12 RELATION TO A PERPETRATOR'S OR SCHOOL EMPLOYEE'S REQUEST TO
13 RELEASE, AMEND OR EXPUNGE INFORMATION RETAINED BY THE
14 DEPARTMENT OR THE COUNTY AGENCY.

15 [(12)] (15) THE PROGRESS OF ANY LEGAL PROCEEDINGS BROUGHT
16 ON THE BASIS OF THE REPORT OF SUSPECTED CHILD ABUSE.

17 [(13)] (16) WHETHER A CRIMINAL INVESTIGATION HAS BEEN
18 UNDERTAKEN AND THE RESULT OF THE INVESTIGATION AND OF ANY
19 CRIMINAL PROSECUTION.

20 (17) IN THE CASE OF AN UNFOUNDED OR INVALID REPORT, IF
21 IT IS LATER DETERMINED THAT THE INITIAL REPORT WAS A FALSE
22 REPORT, A NOTATION TO THAT EFFECT REGARDING THE STATUS OF THE
23 REPORT.

24 (18) UNFOUNDED REPORTS OF CHILD ABUSE, LIMITED TO THE
25 INFORMATION AUTHORIZED UNDER SECTION 6337 (RELATING TO
26 DISPOSITION AND EXPUNCTION OF UNFOUNDED REPORTS AND GENERAL
27 PROTECTIVE SERVICES REPORTS).

28 (19) ANY ADDITIONAL INFORMATION PROVIDED IN SECTION
29 6313(C) (RELATING TO REPORTING PROCEDURE).

30 (20) ANY ADDITIONAL DEMOGRAPHIC INFORMATION THAT THE

1 DEPARTMENT REQUIRES TO COMPLY WITH SECTION 6342 (RELATING TO
2 STUDIES OF DATA IN RECORDS).

3 (21) A FAMILY CASE RECORD FOR EACH FAMILY ACCEPTED FOR
4 INVESTIGATION, ASSESSMENT OR SERVICES WHICH SHALL BE
5 MAINTAINED CONSISTENT WITH REGULATORY REQUIREMENTS.

6 (22) WITH RESPECT TO CASES THAT ARE NOT ACCEPTED FOR
7 CHILD ABUSE INVESTIGATION OR GENERAL PROTECTIVE SERVICES
8 ASSESSMENT OR ARE REFERRED TO COMMUNITY SERVICES:

9 (I) THE REASON THE REPORT WAS NOT ACCEPTED.

10 (II) ANY INFORMATION PROVIDED TO THE REFERRAL SOURCE
11 OR THE FAMILY RELATED TO OTHER SERVICES OR OPTION
12 AVAILABLE TO ADDRESS THE REPORT.

13 (23) ANY OTHER INFORMATION THAT IS NECESSARY TO MAINTAIN
14 THE NAMES OF PERSONS CONVICTED OF A VIOLATION UNDER 18
15 PA.C.S. § 4906.1 (RELATING TO FALSE REPORTS OF CHILD ABUSE)
16 OR THE NAMES OF PERSONS WHO MADE A FALSE REPORT OF THE NEED
17 FOR GENERAL PROTECTIVE SERVICES.

18 NO INFORMATION OTHER THAN THAT PERMITTED IN THIS SUBSECTION
19 SHALL BE RETAINED IN THE STATEWIDE CENTRAL REGISTER.

20 [(B) TYPE OF INFORMATION RELEASED.--EXCEPT AS PROVIDED IN
21 SECTIONS 6334 (RELATING TO DISPOSITION OF COMPLAINTS RECEIVED),
22 6335 (RELATING TO INFORMATION IN PENDING COMPLAINT AND UNFOUNDED
23 REPORT FILES), 6340 (RELATING TO RELEASE OF INFORMATION IN
24 CONFIDENTIAL REPORTS) AND 6342 (RELATING TO STUDIES OF DATA IN
25 RECORDS), PERSONS RECEIVING INFORMATION FROM THE STATEWIDE
26 CENTRAL REGISTER OR PENDING COMPLAINT FILE MAY BE INFORMED ONLY
27 AS TO:

28 (1) WHETHER THE REPORT IS A FOUNDED OR INDICATED ABUSE
29 OR IS UNDER INVESTIGATION.

30 (2) THE NUMBER OF SUCH REPORTS.

1 (3) THE NATURE AND EXTENT OF THE ALLEGED OR ACTUAL
2 INSTANCES OF SUSPECTED CHILD ABUSE.

3 (4) THE COUNTY IN WHICH THE REPORTS ARE INVESTIGATED.

4 (5) ANY OTHER INFORMATION AVAILABLE WHICH WOULD FURTHER
5 THE PURPOSES OF THIS CHAPTER.

6 (C) LIMITATION ON RELEASE OF INFORMATION.--EXCEPT AS
7 PROVIDED IN SECTIONS 6334, 6335, 6340 AND 6342, NO INFORMATION
8 SHALL BE RELEASED FROM THE STATEWIDE CENTRAL REGISTER OR PENDING
9 COMPLAINT FILE UNLESS PURSUANT TO SECTION 6332 (RELATING TO
10 ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE NUMBER) AND
11 UNLESS THE DEPARTMENT HAS POSITIVELY IDENTIFIED THE
12 REPRESENTATIVE OF THE COUNTY AGENCY REQUESTING THE INFORMATION
13 AND THE DEPARTMENT HAS INQUIRED INTO AND IS SATISFIED THAT THE
14 REPRESENTATIVE HAS A LEGITIMATE NEED, WITHIN THE SCOPE OF
15 OFFICIAL DUTIES AND THE PROVISIONS OF SECTION 6332, TO OBTAIN
16 THE INFORMATION. INFORMATION IN THE STATEWIDE CENTRAL REGISTER
17 OR PENDING COMPLAINT FILE SHALL NOT BE RELEASED FOR ANY PURPOSE
18 OR TO ANY INDIVIDUAL NOT SPECIFIED IN SECTION 6340.]

19 § 6337. DISPOSITION [OF UNFOUNDED REPORTS] AND EXPUNCTION OF
20 UNFOUNDED REPORTS AND GENERAL PROTECTIVE SERVICES
21 REPORTS.

22 (A) GENERAL RULE.--WHEN A REPORT OF SUSPECTED CHILD ABUSE IS
23 DETERMINED BY THE APPROPRIATE COUNTY AGENCY TO BE AN UNFOUNDED
24 REPORT, THE INFORMATION CONCERNING THAT REPORT OF SUSPECTED
25 CHILD ABUSE SHALL BE MAINTAINED FOR A PERIOD OF ONE YEAR.
26 FOLLOWING THE EXPIRATION OF ONE YEAR AFTER THE DATE THE REPORT
27 WAS RECEIVED BY THE DEPARTMENT, THE REPORT SHALL BE EXPUNGED
28 FROM THE [PENDING COMPLAINT FILE] STATEWIDE DATABASE, AS SOON AS
29 POSSIBLE, BUT NO LATER THAN 120 DAYS AFTER THE ONE-YEAR PERIOD
30 FOLLOWING THE DATE THE REPORT WAS RECEIVED BY THE DEPARTMENT,

1 AND NO INFORMATION OTHER THAN THAT AUTHORIZED BY SUBSECTION (B),
2 WHICH SHALL NOT INCLUDE ANY IDENTIFYING INFORMATION ON ANY
3 SUBJECT OF THE REPORT, SHALL BE RETAINED BY THE DEPARTMENT. THE
4 EXPUNCTION SHALL BE MANDATED AND GUARANTEED BY THE DEPARTMENT.

5 (B) ABSENCE OF OTHER DETERMINATION.--IF AN INVESTIGATION OF
6 A REPORT OF SUSPECTED CHILD ABUSE CONDUCTED BY THE APPROPRIATE
7 COUNTY AGENCY PURSUANT TO THIS CHAPTER DOES NOT DETERMINE WITHIN
8 60 DAYS OF THE DATE OF THE INITIAL REPORT OF THE INSTANCE OF
9 SUSPECTED CHILD ABUSE THAT THE REPORT IS A FOUNDED REPORT, AN
10 INDICATED REPORT OR AN UNFOUNDED REPORT, OR UNLESS WITHIN THAT
11 SAME 60-DAY PERIOD COURT ACTION HAS BEEN INITIATED AND IS
12 RESPONSIBLE FOR THE DELAY, THE REPORT SHALL BE CONSIDERED TO BE
13 AN UNFOUNDED REPORT, AND ALL INFORMATION IDENTIFYING THE
14 SUBJECTS OF THE REPORT SHALL BE EXPUNGED NO LATER THAN 120 DAYS
15 FOLLOWING THE EXPIRATION OF ONE YEAR AFTER THE DATE THE REPORT
16 WAS RECEIVED BY THE DEPARTMENT. THE AGENCY SHALL ADVISE THE
17 DEPARTMENT THAT COURT ACTION OR AN ARREST HAS BEEN INITIATED SO
18 THAT THE [PENDING COMPLAINT FILE] STATEWIDE DATABASE IS KEPT
19 CURRENT REGARDING THE STATUS OF ALL LEGAL PROCEEDINGS AND
20 EXPUNCTION IS DELAYED.

21 (C) [EXPUNCTION OF INFORMATION.--ALL INFORMATION IDENTIFYING
22 THE SUBJECTS OF ANY REPORT OF SUSPECTED CHILD ABUSE AND OF ANY
23 REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC AND
24 PRIVATE SCHOOLS) DETERMINED TO BE AN UNFOUNDED REPORT SHALL BE
25 EXPUNGED FROM THE PENDING COMPLAINT FILE PURSUANT TO THIS
26 SECTION. THE EXPUNCTION SHALL BE MANDATED AND GUARANTEED BY THE
27 DEPARTMENT.] UNFOUNDED REPORTS ACCEPTED FOR SERVICES.--
28 INFORMATION ON AN UNFOUNDED REPORT SHALL BE RETAINED IN THE
29 STATEWIDE DATABASE IF THE COUNTY AGENCY HAS ACCEPTED THE FAMILY
30 FOR SERVICES AND THE REPORT OF SUSPECTED CHILD ABUSE IS CLEARLY

1 IDENTIFIED AS AN UNFOUNDED REPORT. THE COUNTY AGENCY SHALL
2 NOTIFY THE DEPARTMENT IMMEDIATELY UPON CLOSURE OF THE CASE AND
3 THE REPORT SHALL BE EXPUNGED AS SOON AS POSSIBLE, BUT NO LATER
4 THAN 120 DAYS AFTER THE ONE-YEAR PERIOD FOLLOWING THE DATE THE
5 FAMILY CASE WAS CLOSED. IF THE SUBJECT CHILD OF THE UNFOUNDED
6 REPORT BECOMES 23 YEARS OF AGE PRIOR TO THE CLOSURE OF THE
7 FAMILY CASE, THE UNFOUNDED REPORT SHALL BE EXPUNGED WHEN THE
8 SUBJECT CHILD REACHES 23 YEARS OF AGE.

9 (D) EXPUNCTION OF VALID GENERAL PROTECTIVE SERVICES
10 REPORTS.--INFORMATION CONCERNING VALID GENERAL PROTECTIVE
11 SERVICES REPORTS SHALL BE MAINTAINED IN THE STATEWIDE DATABASE
12 AS FOLLOWS:

13 (1) REPORTS THAT ARE ASSESSED BY THE COUNTY AGENCY AND
14 ARE DETERMINED TO BE VALID, BUT ARE NOT ACCEPTED FOR
15 SERVICES, SHALL BE REPORTED TO THE DEPARTMENT AND ENTERED
16 INTO THE STATEWIDE DATABASE. THE REPORTS SHALL BE MAINTAINED
17 FOR A PERIOD OF FIVE YEARS. FOLLOWING THE EXPIRATION OF FIVE
18 YEARS AFTER THE DATE THE REPORT WAS RECEIVED BY THE
19 DEPARTMENT, THE REPORT SHALL BE EXPUNGED FROM THE STATEWIDE
20 DATABASE AS SOON AS POSSIBLE, BUT NO LATER THAN 120 DAYS
21 AFTER THE FIVE-YEAR PERIOD FOLLOWING THE DATE THE REPORT WAS
22 RECEIVED BY THE DEPARTMENT.

23 (2) REPORTS THAT ARE ASSESSED BY THE COUNTY AGENCY AND
24 ACCEPTED FOR SERVICES SHALL BE REPORTED TO THE DEPARTMENT AND
25 ENTERED INTO THE STATEWIDE DATABASE. THE REPORTS SHALL BE
26 MAINTAINED FOR A PERIOD OF FIVE YEARS AFTER THE CLOSURE OF
27 SERVICES BY THE COUNTY AGENCY. FOLLOWING THE EXPIRATION OF
28 FIVE YEARS AFTER THE CLOSURE OF SERVICES BY THE COUNTY
29 AGENCY, THE REPORT SHALL BE EXPUNGED FROM THE STATEWIDE
30 DATABASE AS SOON AS POSSIBLE, BUT NO LATER THAN 120 DAYS

1 AFTER THE FIVE-YEAR PERIOD FOLLOWING THE CLOSURE OF SERVICES
2 BY THE COUNTY AGENCY.

3 (3) THE EXPUNCTION OF INFORMATION ON GENERAL PROTECTIVE
4 SERVICES UNDER THIS SUBSECTION SHALL BE MANDATED AND
5 GUARANTEED BY THE DEPARTMENT.

6 (E) EXPUNCTION OF INVALID GENERAL PROTECTIVE SERVICES
7 REPORTS.--WHEN A REPORT ALLEGING THE NEED FOR GENERAL PROTECTIVE
8 SERVICES IS DETERMINED BY THE APPROPRIATE COUNTY AGENCY TO BE AN
9 INVALID REPORT, THE INFORMATION CONCERNING THAT REPORT SHALL BE
10 MAINTAINED FOR A PERIOD OF ONE YEAR. FOLLOWING THE EXPIRATION OF
11 ONE YEAR AFTER THE DATE THE REPORT WAS RECEIVED BY THE
12 DEPARTMENT, THE REPORT SHALL BE EXPUNGED AS SOON AS POSSIBLE,
13 BUT NO LATER THAN 120 DAYS AFTER THE ONE-YEAR PERIOD FOLLOWING
14 THE DATE THE REPORT WAS RECEIVED BY THE DEPARTMENT. THE
15 EXPUNCTION SHALL BE MANDATED AND GUARANTEED BY THE DEPARTMENT.

16 (F) COUNTY AGENCY RECORDS.--COUNTY AGENCY RECORDS OF
17 PROTECTIVE SERVICES SHALL BE USED AND MAINTAINED IN A MANNER
18 THAT IS CONSISTENT WITH THE USE AND MAINTENANCE OF INFORMATION
19 IN THE STATEWIDE DATABASE, AS PROVIDED UNDER THIS CHAPTER. IF
20 REQUIRED UNDER THIS CHAPTER TO AMEND OR EXPUNGE INFORMATION IN
21 THE STATEWIDE DATABASE, THE DEPARTMENT SHALL NOTIFY THE
22 APPROPRIATE COUNTY AGENCY OF THE AMENDMENT OR EXPUNGEMENT WITHIN
23 TEN DAYS. THE COUNTY AGENCY SHALL AMEND OR EXPUNGE ITS RECORDS
24 IN A COMMENSURATE MANNER WITHIN TEN DAYS OF RECEIVING
25 NOTIFICATION FROM THE DEPARTMENT.

26 § 6338. DISPOSITION OF FOUNDED AND INDICATED REPORTS.

27 (A) GENERAL RULE.--WHEN A REPORT OF SUSPECTED CHILD ABUSE OR
28 A REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC
29 AND PRIVATE SCHOOLS) IS DETERMINED BY THE APPROPRIATE COUNTY
30 AGENCY TO BE A FOUNDED REPORT OR AN INDICATED REPORT, THE

1 [INFORMATION CONCERNING THAT REPORT OF SUSPECTED CHILD ABUSE
2 SHALL BE EXPUNGED IMMEDIATELY FROM THE PENDING COMPLAINT FILE,
3 AND AN APPROPRIATE ENTRY SHALL BE MADE IN THE STATEWIDE CENTRAL
4 REGISTER] STATUS OF THE REPORT SHALL BE CHANGED FROM PENDING TO
5 FOUNDED OR INDICATED IN THE STATEWIDE DATABASE. NOTICE OF THE
6 DETERMINATION MUST BE GIVEN TO THE SUBJECTS OF THE REPORT, OTHER
7 THAN THE ABUSED CHILD, AND TO THE PARENT OR GUARDIAN OF THE
8 AFFECTED CHILD OR STUDENT ALONG WITH AN EXPLANATION OF THE
9 IMPLICATIONS OF THE DETERMINATION. NOTICE GIVEN TO PERPETRATORS
10 OF CHILD ABUSE AND TO SCHOOL EMPLOYEES WHO ARE SUBJECTS OF
11 INDICATED REPORTS FOR SCHOOL EMPLOYEES OR FOUNDED REPORTS FOR
12 SCHOOL EMPLOYEES SHALL INCLUDE NOTICE THAT THEIR ABILITY TO
13 OBTAIN EMPLOYMENT IN A CHILD-CARE FACILITY OR PROGRAM OR A
14 PUBLIC OR PRIVATE SCHOOL MAY BE ADVERSELY AFFECTED BY ENTRY OF
15 THE REPORT IN THE STATEWIDE [CENTRAL REGISTER] DATABASE. THE
16 NOTICE SHALL ALSO INFORM THE RECIPIENT OF HIS RIGHT, WITHIN 45
17 DAYS AFTER BEING NOTIFIED OF THE STATUS OF THE REPORT, TO APPEAL
18 AN INDICATED REPORT, AND HIS RIGHT TO A HEARING IF THE REQUEST
19 IS DENIED.

20 * * *

21 (C) RETENTION OF INFORMATION.--[A SUBFILE SHALL BE
22 ESTABLISHED IN THE STATEWIDE CENTRAL REGISTER TO] THE STATEWIDE
23 DATABASE SHALL INDEFINITELY RETAIN THE NAMES OF PERPETRATORS OF
24 CHILD ABUSE AND SCHOOL EMPLOYEES WHO ARE SUBJECTS OF FOUNDED OR
25 INDICATED REPORTS ONLY IF THE INDIVIDUAL'S SOCIAL SECURITY
26 NUMBER OR DATE OF BIRTH IS KNOWN TO THE DEPARTMENT. THE
27 [SUBFILE] ENTRY IN THE STATEWIDE DATABASE SHALL NOT INCLUDE
28 IDENTIFYING INFORMATION REGARDING OTHER SUBJECTS OF THE REPORT.
29 § 6339. CONFIDENTIALITY OF REPORTS.

30 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBCHAPTER, REPORTS MADE

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

8 § 6340. RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS.

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

12 * * *

13 (9) LAW ENFORCEMENT OFFICIALS OF ANY JURISDICTION, AS
14 LONG AS THE INFORMATION IS RELEVANT IN THE COURSE OF
15 INVESTIGATING CASES OF:

16 (I) HOMICIDE OR OTHER CRIMINAL OFFENSE SET FORTH IN
17 SECTION 6344(C) (RELATING TO INFORMATION RELATING TO
18 PROSPECTIVE CHILD-CARE PERSONNEL), SEXUAL ABUSE[, SEXUAL]
19 OR EXPLOITATION, BODILY INJURY OR SERIOUS BODILY INJURY
20 [OR SERIOUS PHYSICAL INJURY PERPETRATED BY PERSONS
21 WHETHER OR NOT RELATED TO THE VICTIM] CAUSED BY A
22 PERPETRATOR OR NONPERPETRATOR.

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

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

29 (IV) A MISSING CHILD REPORT.

30 (10) THE DISTRICT [ATTORNEY OR HIS DESIGNEE] ATTORNEY'S

1 OFFICE OR OTHER LAW ENFORCEMENT OFFICIAL, AS SET FORTH IN
2 [THE] COUNTY PROTOCOLS FOR MULTIDISCIPLINARY INVESTIGATIVE
3 TEAMS REQUIRED IN SECTION 6365(C) (RELATING TO SERVICES FOR
4 PREVENTION, INVESTIGATION AND TREATMENT OF CHILD ABUSE),
5 SHALL RECEIVE, IMMEDIATELY AFTER THE COUNTY AGENCY HAS
6 ENSURED THE SAFETY OF THE CHILD, REPORTS OF ABUSE [, EITHER
7 ORALLY OR IN WRITING,] ACCORDING TO REGULATIONS [PROMULGATED
8 BY THE DEPARTMENT], FROM THE DEPARTMENT OR COUNTY AGENCY IN
9 WHICH THE INITIAL REPORT OF SUSPECTED CHILD ABUSE OR INITIAL
10 INQUIRY INTO THE REPORT GIVES EVIDENCE THAT THE ABUSE IS:

11 (I) A CRIMINAL OFFENSE SET FORTH [IN] UNDER SECTION
12 [6344(C)] 6344.3 (RELATING TO GROUNDS FOR DENYING
13 EMPLOYMENT OR PARTICIPATION IN PROGRAM, ACTIVITY OR
14 SERVICE), NOT INCLUDING AN OFFENSE UNDER 18 PA.C.S. §
15 4304 (RELATING TO ENDANGERING WELFARE OF CHILDREN) OR AN
16 EQUIVALENT CRIME UNDER FEDERAL LAW OR [THE] LAW OF
17 ANOTHER STATE[, SEXUAL ABUSE, SEXUAL EXPLOITATION OR
18 SERIOUS BODILY INJURY PERPETRATED BY PERSONS, WHETHER OR
19 NOT RELATED TO THE VICTIM]; OR

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

22 (III) SERIOUS PHYSICAL INJURY INVOLVING EXTENSIVE
23 AND SEVERE BRUISING, BURNS, BROKEN BONES, LACERATIONS,
24 INTERNAL BLEEDING, SHAKEN BABY SYNDROME OR CHOKING OR AN
25 INJURY THAT SIGNIFICANTLY IMPAIRS A CHILD'S PHYSICAL
26 FUNCTIONING, EITHER TEMPORARILY OR PERMANENTLY] UNDER
27 SECTION 6334.1 (RELATING TO RESPONSIBILITY FOR
28 INVESTIGATION).

29 * * *

30 (12) A MANDATED REPORTER OF SUSPECTED CHILD ABUSE [AS

1 DEFINED IN] UNDER SECTION 6311 (RELATING TO PERSONS REQUIRED
2 TO REPORT SUSPECTED CHILD ABUSE) WHO MADE A REPORT OF ABUSE
3 INVOLVING THE SUBJECT CHILD, [BUT THE INFORMATION PERMITTED
4 TO BE RELEASED TO THE MANDATED REPORTER] SHALL BE LIMITED TO
5 THE FOLLOWING:

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

9 (II) ANY SERVICES PROVIDED, ARRANGED FOR OR TO BE
10 PROVIDED BY THE COUNTY AGENCY TO PROTECT THE CHILD.

11 (13) [PERSONS REQUIRED TO MAKE REPORTS UNDER SUBCHAPTER
12 C.1 (RELATING TO STUDENTS IN PUBLIC AND PRIVATE SCHOOLS) .
13 INFORMATION UNDER THIS PARAGRAPH SHALL BE LIMITED TO THE
14 FINAL STATUS OF THE REPORT FOLLOWING THE INVESTIGATION AS TO
15 WHETHER THE REPORT IS INDICATED, FOUNDED OR UNFOUNDED.]
16 SCHOOL ADMINISTRATORS AND CHILD CARE SERVICE EMPLOYERS, AS
17 PROVIDED UNDER THIS PARAGRAPH. THE FOLLOWING SHALL APPLY:

18 (I) IF THE ALLEGED PERPETRATOR IS A SCHOOL EMPLOYEE
19 OR CHILD CARE SERVICE EMPLOYEE, SCHOOL ADMINISTRATORS AND
20 CHILD CARE SERVICE EMPLOYERS SHALL RECEIVE NOTICE OF A
21 PENDING ALLEGATION AND THE FINAL STATUS OF THE REPORT
22 FOLLOWING THE INVESTIGATION AS TO WHETHER THE REPORT IS
23 INDICATED, FOUNDED OR UNFOUNDED.

24 (II) INFORMATION DISCLOSED PURSUANT TO THIS
25 PARAGRAPH SHALL BE PROVIDED TO THE SCHOOL ADMINISTRATOR
26 OR CHILD CARE SERVICE EMPLOYER WITHIN TEN DAYS OF THE
27 COMPLETION OF THE INVESTIGATION.

28 (III) IF THE PERPETRATOR IS A SCHOOL EMPLOYEE, THE
29 NOTICE OF THE FINAL STATUS OF THE REPORT SHALL BE SENT TO
30 THE DEPARTMENT OF EDUCATION WITHIN TEN DAYS OF THE

1 COMPLETION OF THE INVESTIGATION.

2 * * *

3 (B) RELEASE OF INFORMATION TO SUBJECT [OF REPORT].--[AT ANY
4 TIME AND UPON] UPON A WRITTEN REQUEST, A SUBJECT OF A REPORT MAY
5 RECEIVE A COPY OF ALL INFORMATION, EXCEPT THAT PROHIBITED FROM
6 BEING DISCLOSED BY SUBSECTION (C), CONTAINED IN THE STATEWIDE
7 [CENTRAL REGISTER] DATABASE OR IN ANY REPORT FILED PURSUANT TO
8 SECTION 6313 (RELATING TO REPORTING PROCEDURE).

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

20 (D) EXCLUSION OF [ADMINISTRATIVE] INFORMATION.--
21 [INFORMATION] EXCEPT AS PROVIDED UNDER SECTION 6341(C.2) (4)
22 (RELATING TO AMENDMENT OR EXPUNCTION OF INFORMATION),
23 INFORMATION MAINTAINED IN THE STATEWIDE [CENTRAL REGISTER WHICH
24 WAS] DATABASE OBTAINED FROM AN INVESTIGATING AGENCY IN RELATION
25 TO AN APPEAL REQUEST SHALL NOT BE RELEASED TO ANY PERSON EXCEPT
26 A DEPARTMENT OFFICIAL [, AS PROVIDED BY REGULATION]. INFORMATION
27 IN THE STATEWIDE DATABASE OR A CONFIDENTIAL REPORT PROVIDED
28 UNDER SECTION 6341(C.2) (4) SHALL BE SUBJECT TO SUBSECTION (C).

29 § 6342. STUDIES OF DATA IN RECORDS.

30 (A) STUDIES.--THE DEPARTMENT MAY CONDUCT OR AUTHORIZE THE

1 CONDUCTING OF STUDIES OF THE DATA CONTAINED IN THE [PENDING
2 COMPLAINT FILE AND THE STATEWIDE CENTRAL REGISTER AND] STATEWIDE
3 DATABASE AND BY COUNTY AGENCIES AND DISTRIBUTE THE RESULTS OF
4 THE STUDIES. NO STUDY MAY CONTAIN THE NAME OR OTHER INFORMATION
5 BY WHICH A SUBJECT OF A REPORT COULD BE IDENTIFIED. THE
6 DEPARTMENT MAY ALLOW FEDERAL AUDITORS ACCESS TO NONIDENTIFIABLE
7 DUPLICATES OF REPORTS IN THE [PENDING COMPLAINT FILE AND THE
8 STATEWIDE CENTRAL REGISTER] STATEWIDE DATABASE IF REQUIRED FOR
9 FEDERAL FINANCIAL PARTICIPATION IN FUNDING OF AGENCIES.

10 * * *

11 SECTION 6. SECTION 6344(B)(2), (O)(1) AND (P)(1) OF TITLE 23
12 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
13 READ:

14 § 6344. INFORMATION RELATING TO PROSPECTIVE CHILD-CARE
15 PERSONNEL.

16 * * *

17 (B) INFORMATION SUBMITTED BY PROSPECTIVE EMPLOYEES.--
18 ADMINISTRATORS OF CHILD-CARE SERVICES SHALL REQUIRE APPLICANTS
19 TO SUBMIT WITH THEIR APPLICATIONS THE FOLLOWING INFORMATION
20 OBTAINED WITHIN THE PRECEDING ONE-YEAR PERIOD:

21 * * *

22 (2) A CERTIFICATION FROM THE DEPARTMENT AS TO WHETHER
23 THE APPLICANT IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE
24 DATABASE AS THE ALLEGED PERPETRATOR IN A PENDING CHILD ABUSE
25 INVESTIGATION OR AS THE PERPETRATOR OF A FOUNDED REPORT OF
26 CHILD ABUSE, INDICATED REPORT OF CHILD ABUSE, FOUNDED REPORT
27 FOR SCHOOL EMPLOYEE OR INDICATED REPORT FOR SCHOOL EMPLOYEE.

28 * * *

29 (H.1) FORM OF PAYMENT.--PAYMENT OF THE FEE AUTHORIZED UNDER
30 SUBSECTION (H) MAY BE MADE BY AN INDIVIDUAL OR ORGANIZATION BY

1 CHECK, MONEY ORDER, CREDIT CARD OR DEBIT CARD.

2 * * *

3 (O) USE OF INFORMATION.--A FOSTER FAMILY CARE AGENCY MAY NOT
4 APPROVE A PROSPECTIVE FOSTER PARENT IF THE PROSPECTIVE FOSTER
5 PARENT OR AN INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO RESIDES FOR
6 AT LEAST 30 DAYS IN A CALENDAR YEAR WITH THE PROSPECTIVE FOSTER
7 PARENT MEETS EITHER OF THE FOLLOWING:

8 (1) IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE
9 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT OF CHILD
10 ABUSE COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY
11 PRECEDING VERIFICATION PURSUANT TO THIS SECTION OR IS NAMED
12 IN THE [CENTRAL REGISTER] STATEWIDE DATABASE AS THE
13 PERPETRATOR OF A FOUNDED REPORT FOR A SCHOOL EMPLOYEE
14 COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING
15 VERIFICATION PURSUANT TO THIS SECTION.

16 * * *

17 (P) USE OF INFORMATION.--A PROSPECTIVE ADOPTIVE PARENT MAY
18 NOT BE APPROVED IF THE PROSPECTIVE ADOPTIVE PARENT OR AN
19 INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO RESIDES FOR AT LEAST 30
20 DAYS IN A CALENDAR YEAR WITH THE PROSPECTIVE ADOPTIVE PARENT
21 MEETS EITHER OF THE FOLLOWING:

22 (1) IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE
23 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT OF CHILD
24 ABUSE COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY
25 PRECEDING VERIFICATION PURSUANT TO THIS SECTION OR IS NAMED
26 IN THE [CENTRAL REGISTER] STATEWIDE DATABASE AS THE
27 PERPETRATOR OF A FOUNDED REPORT FOR A SCHOOL EMPLOYEE
28 COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING
29 VERIFICATION PURSUANT TO THIS SECTION.

30 * * *

1 SECTION 7. SECTIONS 6344.1(B) AND (C) (1), 6346 AND 6347 OF
2 TITLE 23 ARE AMENDED TO READ:

3 § 6344.1. INFORMATION RELATING TO FAMILY DAY-CARE HOME
4 RESIDENTS.

5 * * *

6 (B) REQUIRED INFORMATION.--CHILD ABUSE RECORD INFORMATION
7 REQUIRED UNDER SUBSECTION (A) SHALL INCLUDE CERTIFICATION BY THE
8 DEPARTMENT AS TO WHETHER THE APPLICANT IS NAMED IN THE [CENTRAL
9 REGISTER] STATEWIDE DATABASE AS THE PERPETRATOR OF A FOUNDED
10 REPORT, INDICATED REPORT, FOUNDED REPORT FOR SCHOOL EMPLOYEE OR
11 INDICATED REPORT FOR SCHOOL EMPLOYEE.

12 (C) EFFECT ON REGISTRATION.--THE DEPARTMENT SHALL REFUSE TO
13 ISSUE OR RENEW A REGISTRATION CERTIFICATE OR SHALL REVOKE A
14 REGISTRATION CERTIFICATE IF THE FAMILY DAY-CARE HOME PROVIDER OR
15 INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO HAS RESIDED IN THE HOME
16 FOR AT LEAST 30 DAYS IN A CALENDAR YEAR:

17 (1) IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE
18 DATABASE ON CHILD ABUSE ESTABLISHED UNDER CHAPTER 63
19 (RELATING TO CHILD PROTECTIVE SERVICES) AS THE PERPETRATOR OF
20 A FOUNDED REPORT COMMITTED WITHIN THE IMMEDIATELY PRECEDING
21 FIVE-YEAR PERIOD; OR

22 * * *

23 § 6346. COOPERATION OF OTHER AGENCIES.

24 (A) GENERAL RULE.--THE SECRETARY MAY REQUEST AND SHALL
25 RECEIVE FROM COMMONWEALTH AGENCIES, POLITICAL SUBDIVISIONS, AN
26 AUTHORIZED AGENCY OR ANY OTHER AGENCY PROVIDING SERVICES UNDER
27 THE LOCAL PROTECTIVE SERVICES PLAN ANY ASSISTANCE AND DATA THAT
28 WILL ENABLE THE DEPARTMENT AND THE COUNTY AGENCY TO FULFILL
29 THEIR RESPONSIBILITIES PROPERLY, INCLUDING LAW ENFORCEMENT
30 [PERSONNEL] OFFICIALS WHEN ASSISTANCE IS NEEDED IN CONDUCTING AN

1 INVESTIGATION OR AN ASSESSMENT OF SAFETY OR RISK TO THE CHILD.
2 SCHOOL DISTRICTS SHALL COOPERATE WITH THE DEPARTMENT AND THE
3 AGENCY BY PROVIDING THEM UPON REQUEST WITH THE INFORMATION AS IS
4 CONSISTENT WITH LAW.

5 (B) WILLFUL FAILURE TO COOPERATE.--ANY AGENCY, SCHOOL
6 DISTRICT OR FACILITY OR ANY PERSON ACTING ON BEHALF OF AN
7 AGENCY, SCHOOL DISTRICT OR FACILITY THAT VIOLATES THIS SECTION
8 BY WILLFULLY FAILING TO COOPERATE WITH THE DEPARTMENT OR A
9 COUNTY AGENCY WHEN INVESTIGATING A REPORT OF SUSPECTED CHILD
10 ABUSE OR A REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN
11 PUBLIC AND PRIVATE SCHOOLS) OR WHEN ASSESSING SAFETY OR RISK TO
12 A CHILD COMMITS A [SUMMARY OFFENSE] MISDEMEANOR OF THE THIRD
13 DEGREE FOR A FIRST VIOLATION AND A MISDEMEANOR OF THE [THIRD]
14 SECOND DEGREE FOR SUBSEQUENT VIOLATIONS.

15 (C) COOPERATION OF COUNTY AGENCY AND LAW ENFORCEMENT
16 [AGENCIES] OFFICIALS.--CONSISTENT WITH THE PROVISIONS OF THIS
17 CHAPTER, THE COUNTY AGENCY AND LAW ENFORCEMENT [AGENCIES]
18 OFFICIALS SHALL COOPERATE AND COORDINATE, TO THE FULLEST EXTENT
19 POSSIBLE, THEIR EFFORTS TO RESPOND TO AND INVESTIGATE REPORTS OF
20 SUSPECTED CHILD ABUSE AND TO REPORTS UNDER SUBCHAPTER C.1.

21 (D) ADVICE TO COUNTY AGENCY.--WHENEVER A REPORT OF SUSPECTED
22 CHILD ABUSE IS REFERRED FROM A COUNTY AGENCY TO A LAW
23 ENFORCEMENT [AGENCY] OFFICIAL PURSUANT TO SECTION 6340(A)(9) AND
24 (10) (RELATING TO RELEASE OF INFORMATION IN CONFIDENTIAL
25 REPORTS), AS SOON AS POSSIBLE, AND WITHOUT JEOPARDIZING THE
26 CRIMINAL INVESTIGATION OR PROSECUTION, THE LAW ENFORCEMENT
27 [AGENCY] OFFICIAL SHALL ADVISE THE COUNTY AGENCY AS TO WHETHER A
28 CRIMINAL INVESTIGATION HAS BEEN UNDERTAKEN AND THE RESULTS OF
29 THE INVESTIGATION AND OF ANY CRIMINAL PROSECUTION. THE COUNTY
30 AGENCY SHALL ENSURE THAT THE INFORMATION IS REFERRED TO THE

1 STATEWIDE [CENTRAL REGISTER] DATABASE.

2 § 6347. REPORTS TO GOVERNOR AND GENERAL ASSEMBLY.

3 (A) GENERAL RULE.--NO LATER THAN MAY 1 OF EVERY YEAR, THE
4 SECRETARY SHALL PREPARE AND TRANSMIT TO THE GOVERNOR AND THE
5 GENERAL ASSEMBLY A REPORT ON THE OPERATIONS OF THE [CENTRAL
6 REGISTER OF CHILD ABUSE AND CHILD] STATEWIDE DATABASE AND
7 PROTECTIVE SERVICES PROVIDED BY COUNTY AGENCIES. THE REPORT
8 SHALL INCLUDE A FULL STATISTICAL ANALYSIS OF THE REPORTS OF
9 SUSPECTED CHILD ABUSE MADE TO THE DEPARTMENT, THE REPORTS OF
10 GENERAL PROTECTIVE SERVICES MADE TO THE DEPARTMENT OR COUNTY
11 AGENCIES AND THE REPORTS UNDER SUBCHAPTER C.1 (RELATING TO
12 STUDENTS IN PUBLIC AND PRIVATE SCHOOLS), TOGETHER WITH A REPORT
13 ON THE IMPLEMENTATION OF THIS CHAPTER AND ITS TOTAL COST TO THE
14 COMMONWEALTH, THE EVALUATION OF THE SECRETARY OF SERVICES
15 OFFERED UNDER THIS CHAPTER AND RECOMMENDATIONS FOR REPEAL OR FOR
16 ADDITIONAL LEGISLATION TO FULFILL THE PURPOSES OF THIS CHAPTER.
17 ALL SUCH RECOMMENDATIONS SHOULD CONTAIN AN ESTIMATE OF INCREASED
18 OR DECREASED COSTS RESULTING THEREFROM. THE REPORT SHALL ALSO
19 INCLUDE AN EXPLANATION OF SERVICES PROVIDED TO CHILDREN WHO WERE
20 THE SUBJECTS OF FOUNDED OR INDICATED REPORTS WHILE RECEIVING
21 CHILD-CARE SERVICES. THE DEPARTMENT SHALL ALSO DESCRIBE ITS
22 ACTIONS IN RESPECT TO THE PERPETRATORS OF THE ABUSE.

23 * * *

24 SECTION 8. SECTION 6349(A) AND (B) OF TITLE 23 ARE AMENDED
25 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

26 § 6349. PENALTIES.

27 (A) FAILURE TO AMEND OR EXPUNGE INFORMATION.--

28 (1) A PERSON OR OFFICIAL AUTHORIZED TO KEEP THE RECORDS
29 MENTIONED IN SECTION 6337 (RELATING TO DISPOSITION [OF
30 UNFOUNDED REPORTS] AND EXPUNCTION OF UNFOUNDED REPORTS AND

1 GENERAL PROTECTIVE SERVICES REPORTS) OR 6338 (RELATING TO
2 DISPOSITION OF FOUNDED AND INDICATED REPORTS) WHO WILLFULLY
3 FAILS TO AMEND OR EXPUNGE THE INFORMATION WHEN REQUIRED
4 COMMITS A [SUMMARY OFFENSE] MISDEMEANOR OF THE THIRD DEGREE
5 FOR THE FIRST VIOLATION AND A MISDEMEANOR OF THE [THIRD]
6 SECOND DEGREE FOR A SECOND OR SUBSEQUENT VIOLATION.

7 (2) A PERSON WHO WILLFULLY FAILS TO OBEY A FINAL ORDER
8 OF THE SECRETARY OR DESIGNATED AGENT OF THE SECRETARY TO
9 AMEND OR EXPUNGE THE SUMMARY OF THE REPORT IN THE STATEWIDE
10 [CENTRAL REGISTER] DATABASE OR THE CONTENTS OF ANY REPORT
11 FILED PURSUANT TO SECTION 6313 (RELATING TO REPORTING
12 PROCEDURE) COMMITS A [SUMMARY OFFENSE] MISDEMEANOR OF THE
13 THIRD DEGREE.

14 (B) UNAUTHORIZED RELEASE OF INFORMATION.--A PERSON WHO
15 WILLFULLY RELEASES OR PERMITS THE RELEASE OF ANY INFORMATION
16 CONTAINED IN THE [PENDING COMPLAINT FILE, THE STATEWIDE CENTRAL
17 REGISTER] STATEWIDE DATABASE OR THE COUNTY AGENCY RECORDS
18 REQUIRED BY THIS CHAPTER TO PERSONS OR AGENCIES NOT PERMITTED BY
19 THIS CHAPTER TO RECEIVE THAT INFORMATION COMMITS A MISDEMEANOR
20 OF THE [THIRD] SECOND DEGREE. LAW ENFORCEMENT [AGENCIES]
21 OFFICIALS SHALL INSURE THE CONFIDENTIALITY AND SECURITY OF
22 INFORMATION UNDER THIS CHAPTER. A PERSON, INCLUDING [AN EMPLOYEE
23 OF] A LAW ENFORCEMENT [AGENCY] OFFICIAL, WHO VIOLATES THE
24 PROVISIONS OF THIS SUBSECTION SHALL, IN ADDITION TO OTHER CIVIL
25 OR CRIMINAL PENALTIES PROVIDED BY LAW, BE DENIED ACCESS TO THE
26 INFORMATION PROVIDED UNDER THIS CHAPTER.

27 (B.1) UNAUTHORIZED ACCESS OR USE OF INFORMATION.--A PERSON
28 WHO WILLFULLY ACCESSES, ATTEMPTS TO ACCESS OR USES INFORMATION
29 IN THE STATEWIDE DATABASE FOR A PURPOSE NOT AUTHORIZED UNDER
30 THIS CHAPTER COMMITS A MISDEMEANOR OF THE SECOND DEGREE. A

1 PERSON WHO USES INFORMATION IN THE STATEWIDE DATABASE FOR A
2 PURPOSE NOT AUTHORIZED UNDER THIS CHAPTER WITH INTENT TO HARASS,
3 EMBARRASS OR HARM ANOTHER PERSON COMMITS A MISDEMEANOR OF THE
4 FIRST DEGREE.

5 (C) NONCOMPLIANCE WITH CHILD-CARE PERSONNEL REGULATIONS.--AN
6 ADMINISTRATOR, OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT
7 DECISIONS IN A CHILD-CARE FACILITY OR PROGRAM, WHO WILLFULLY
8 FAILS TO COMPLY WITH THE PROVISIONS OF SECTION 6344 (RELATING TO
9 INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL)
10 COMMITS A VIOLATION OF THIS CHAPTER AND SHALL BE SUBJECT TO A
11 CIVIL PENALTY AS PROVIDED IN THIS SUBSECTION. THE DEPARTMENT
12 SHALL HAVE JURISDICTION TO DETERMINE VIOLATIONS OF SECTION 6344
13 AND MAY, FOLLOWING A HEARING, ASSESS A CIVIL PENALTY NOT TO
14 EXCEED \$2,500. THE CIVIL PENALTY SHALL BE PAYABLE TO THE
15 COMMONWEALTH.

16 SECTION 9. SECTION 6375(C) OF TITLE 23 IS AMENDED TO READ:
17 § 6375. COUNTY AGENCY REQUIREMENTS FOR GENERAL PROTECTIVE
18 SERVICES.

19 * * *

20 (C) ASSESSMENT FOR SERVICES.--

21 (1) WITHIN 60 DAYS OF RECEIPT OF A REPORT, AN ASSESSMENT
22 SHALL BE COMPLETED AND A DECISION ON WHETHER TO ACCEPT THE
23 FAMILY FOR SERVICE SHALL BE MADE. THE COUNTY AGENCY SHALL
24 PROVIDE OR ARRANGE FOR SERVICES NECESSARY TO PROTECT THE
25 CHILD DURING THE ASSESSMENT PERIOD.

26 (1.1) THE COUNTY AGENCY SHALL IMMEDIATELY NOTIFY THE
27 DEPARTMENT UPON THE COMPLETION OF THE ASSESSMENT WHETHER THE
28 REPORT WAS DETERMINED TO BE VALID OR INVALID AND WHETHER THE
29 FAMILY WAS ACCEPTED FOR SERVICES OR REFERRED TO COMMUNITY
30 SERVICES.

1 (1.2) THE COUNTY AGENCY SHALL IMMEDIATELY NOTIFY THE
2 DEPARTMENT UPON THE CLOSURE OF SERVICES FOR A CHILD OR FAMILY
3 THAT HAS BEEN ACCEPTED FOR SERVICES.

4 (2) EACH COUNTY AGENCY SHALL IMPLEMENT A STATE-APPROVED
5 RISK ASSESSMENT PROCESS IN PERFORMANCE OF ITS DUTIES.

6 * * *

7 SECTION 10. THIS ACT SHALL TAKE EFFECT DECEMBER 31, 2014.