

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 24 Session of
2013

INTRODUCED BY VULAKOVICH, FARNESE, SCARNATI, PILEGGI, BAKER,
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WARD, WASHINGTON, WAUGH, WILLIAMS, YUDICHAK, HUGHES, COSTA,
BRUBAKER, FERLO AND SCHWANK, MARCH 15, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 10, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further ~~providing for definitions; providing for electronic~~ <--
3 ~~reporting; further providing for mandatory reporting and post~~
4 ~~mortem investigation of deaths; providing for responsibility~~
5 ~~for investigation, for access to reports, for disposition of~~
6 ~~initial reports, for disposition of reports, for cooperation~~
7 ~~with county agency and for access to information in Statewide~~
8 ~~database; further providing for information in Statewide~~
9 ~~central register, for confidentiality of reports and for~~
10 ~~release of information in confidential reports; and providing~~
11 ~~for background checks.~~ FURTHER PROVIDING FOR DEFINITIONS; <--
12 PROVIDING FOR ELECTRONIC REPORTING AND FOR REGULATIONS;
13 FURTHER PROVIDING FOR MANDATORY REPORTING AND POSTMORTEM
14 INVESTIGATION OF DEATHS, FOR ESTABLISHMENT OF PENDING
15 COMPLAINT FILE, STATEWIDE CENTRAL REGISTER AND FILE OF
16 UNFOUNDED REPORTS, FOR ESTABLISHMENT OF STATEWIDE TOLL-FREE
17 TELEPHONE NUMBER, FOR CONTINUOUS AVAILABILITY OF DEPARTMENT
18 AND FOR DISPOSITION OF COMPLAINTS RECEIVED; PROVIDING FOR
19 RESPONSIBILITY FOR INVESTIGATION; AND FURTHER PROVIDING FOR
20 INFORMATION IN PENDING COMPLAINT AND UNFOUNDED REPORT FILES,
21 FOR INFORMATION IN STATEWIDE CENTRAL REGISTER, FOR
22 DISPOSITION OF UNFOUNDED REPORTS, FOR DISPOSITION OF FOUNDED
23 AND INDICATED REPORTS, FOR CONFIDENTIALITY OF REPORTS, FOR
24 RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS, FOR STUDIES
25 OF DATA IN RECORDS, FOR INFORMATION RELATING TO PROSPECTIVE
26 CHILD-CARE PERSONNEL, FOR INFORMATION RELATING TO FAMILY DAY-
27 CARE HOME RESIDENTS, FOR COOPERATION OF OTHER AGENCIES, FOR
28

1 REPORTS TO GOVERNOR AND GENERAL ASSEMBLY, FOR PENALTIES AND
2 FOR COUNTY AGENCY REQUIREMENTS FOR GENERAL PROTECTIVE
3 SERVICES.

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

6 ~~Section 1. Section 6303(a) of Title 23 of the Pennsylvania~~ <--
7 ~~Consolidated Statutes is amended by adding definitions to read:~~
8 ~~§ 6303. Definitions.~~

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

12 ~~* * *~~

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

19 ~~* * *~~

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

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

28 ~~* * *~~

29 ~~Section 2. Title 23 is amended by adding a section to read:~~
30 ~~§ 6304. Electronic reporting.~~

31 ~~(a) Departmental procedures. The department shall establish~~

1 ~~procedures for the secure use of electronic technologies to~~
2 ~~transmit information under this chapter.~~

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

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

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

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

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

26 SUBCHAPTER B.1

27 INVESTIGATION AND REPORTING

28 Sec.

29 6321. Access to reports.

30 6322. Responsibility for investigation.

1 ~~6323. Disposition of initial reports.~~

2 ~~6324. Disposition of reports.~~

3 ~~6325. (Reserved).~~

4 ~~6326. (Reserved).~~

5 ~~6327. Cooperation.~~

6 ~~§ 6321. Access to reports.~~

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

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

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

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

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

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

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

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

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

1 ~~§ 6322. Responsibility for investigation.~~

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

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

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

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

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

24 ~~§ 6323. Disposition of initial reports.~~

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

30 ~~(1) Notice 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 of a prior report or a current~~
4 ~~investigation concerning a subject of the report.~~

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

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

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

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

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

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

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

1 ~~recipients to receive reports under subsection (c) and shall~~
2 ~~provide contact information for each recipient to the department~~
3 ~~for that purpose.~~

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

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

21 ~~§ 6324. Disposition of reports.~~

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

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

30 ~~(2) The other state's child protective services agency~~

1 ~~fails to investigate the report.~~

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

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

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

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

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

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

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

21 ~~§ 6325. (Reserved).~~

22 ~~§ 6326. (Reserved).~~

23 ~~§ 6327. Cooperation.~~

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

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

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

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

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

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

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

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

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

1 ~~investigation and any criminal prosecution. The county agency~~
2 ~~shall refer the information to the Statewide database.~~

3 Section 5. Title 23 is amended by adding a section to read:
4 ~~§ 6335.1. Access to information in Statewide database.~~

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

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

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

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

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

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

1 ~~records).~~

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

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

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

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

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

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

20 ~~§ 6336. Information in Statewide central register.~~

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

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

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

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

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

29 ~~(5) Family composition.~~

30 ~~(6) The name and relationship to the abused child of~~

1 ~~other persons named in the report.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ~~§ 6339. Confidentiality of reports.~~

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

28 ~~§ 6340. Release of information in confidential reports.~~

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

1 available to:

2 * * *

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

10 * * *

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

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

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

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

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

28 ~~(10) The district [attorney or his designee] attorney's~~
29 ~~office or other law enforcement official, as set forth in~~
30 ~~[the] county protocols for multidisciplinary investigative~~

1 ~~teams required in section 6365(c) (relating to services for~~
2 ~~prevention, investigation and treatment of child abuse),~~
3 ~~shall receive, immediately after the county agency has~~
4 ~~ensured the safety of the child, reports of abuse [, either~~
5 ~~orally or in writing,] according to regulations [promulgated~~
6 ~~by the department], from the department or county agency in~~
7 ~~which the initial report of suspected child abuse or initial~~
8 ~~inquiry into the report gives evidence that the abuse is:~~

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

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

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

25 ~~* * *~~

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

1 the following:

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

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

7 (13) ~~[Persons required to make reports under Subchapter~~
8 ~~C.1 (relating to students in public and private schools).]~~

9 ~~Information under this paragraph shall be limited to the~~
10 ~~final status of the report following the investigation as to~~
11 ~~whether the report is indicated, founded or unfounded.]-~~

12 ~~School administrators, if the alleged perpetrator is a school~~
13 ~~employee, shall receive notice of a pending allegation and~~
14 ~~the final status of the report following the investigation as~~
15 ~~to whether the report is indicated, founded or unfounded.~~

16 ~~Information disclosed pursuant to this paragraph shall be~~
17 ~~provided to the school administrator within ten days of the~~
18 ~~completion of the investigation.~~

19 * * *

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

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

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

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

12 ~~Section 8. Title 23 is amended by adding a section to read:~~
13 ~~§ 6387. Background checks.~~

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

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

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

20 ~~SECTION 1. THE DEFINITIONS OF "CHILD-CARE SERVICES" IN <--~~
21 ~~SECTION 6303(A) OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED~~
22 ~~STATUTES, ADDED DECEMBER 18, 2013 (P.L.1201, NO.119), ARE~~
23 ~~AMENDED AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO~~
24 ~~READ:~~

25 ~~§ 6303. DEFINITIONS.~~

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

29 ~~* * *~~

30 ~~"CHILD-CARE SERVICES." [CHILD DAY-CARE CENTERS, GROUP AND <--~~

1 FAMILY DAY-CARE HOMES, FOSTER HOMES, ADOPTIVE PARENTS, BOARDING
2 HOMES FOR CHILDREN, JUVENILE DETENTION CENTER SERVICES OR
3 PROGRAMS FOR DELINQUENT OR DEPENDENT CHILDREN; MENTAL HEALTH,
4 MENTAL RETARDATION, EARLY INTERVENTION AND DRUG AND ALCOHOL
5 SERVICES FOR CHILDREN; AND OTHER CHILD-CARE SERVICES WHICH ARE
6 PROVIDED BY OR SUBJECT TO APPROVAL, LICENSURE, REGISTRATION OR
7 CERTIFICATION BY THE DEPARTMENT OF PUBLIC WELFARE OR A COUNTY
8 SOCIAL SERVICES AGENCY OR WHICH ARE PROVIDED PURSUANT TO A
9 CONTRACT WITH THESE DEPARTMENTS OR A COUNTY SOCIAL SERVICES
10 AGENCY. THE TERM DOES NOT INCLUDE SUCH SERVICES OR PROGRAMS
11 WHICH MAY BE OFFERED BY PUBLIC AND PRIVATE SCHOOLS, INTERMEDIATE
12 UNITS OR AREA VOCATIONAL-TECHNICAL SCHOOLS.

13 "CHILD-CARE SERVICES.]" INCLUDES ANY OF THE FOLLOWING:

- 14 (1) CHILD DAY-CARE CENTERS.
- 15 (2) GROUP DAY-CARE HOMES.
- 16 (3) FAMILY DAY-CARE HOMES.
- 17 (4) FOSTER HOMES.
- 18 (5) ADOPTIVE PARENTS.
- 19 (6) BOARDING HOMES FOR CHILDREN.
- 20 (7) JUVENILE DETENTION CENTER SERVICES OR PROGRAMS FOR
21 DELINQUENT OR DEPENDENT CHILDREN.
- 22 (8) MENTAL HEALTH SERVICES FOR CHILDREN.
- 23 (9) SERVICES FOR CHILDREN WITH INTELLECTUAL
24 DISABILITIES.
- 25 (10) EARLY INTERVENTION SERVICES FOR CHILDREN.
- 26 (11) DRUG AND ALCOHOL SERVICES FOR CHILDREN.
- 27 (12) DAY-CARE SERVICES OR PROGRAMS THAT ARE OFFERED BY A
28 SCHOOL.
- 29 (13) OTHER CHILD-CARE SERVICES THAT ARE PROVIDED BY OR
30 SUBJECT TO APPROVAL, LICENSURE, REGISTRATION OR CERTIFICATION

1 BY THE DEPARTMENT OF PUBLIC WELFARE OR A COUNTY SOCIAL
2 SERVICES AGENCY OR THAT ARE PROVIDED PURSUANT TO A CONTRACT
3 WITH THE DEPARTMENT OF PUBLIC WELFARE OR A COUNTY SOCIAL
4 SERVICES AGENCY.

5 * * *

6 "ELECTRONIC TECHNOLOGIES." THE TRANSFER OF INFORMATION IN
7 WHOLE OR IN PART BY TECHNOLOGY HAVING ELECTRICAL, DIGITAL,
8 MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, PHOTO-ELECTRONIC
9 OR PHOTO-OPTICAL SYSTEMS, OR SIMILAR CAPABILITIES. THE TERM
10 INCLUDES, BUT IS NOT LIMITED TO, E-MAIL, INTERNET COMMUNICATION
11 OR OTHER MEANS OF ELECTRONIC TRANSMISSION.

12 * * *

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

- 14 (1) THE ATTORNEY GENERAL.
15 (2) A PENNSYLVANIA DISTRICT ATTORNEY.
16 (3) A PENNSYLVANIA STATE POLICE OFFICER.
17 (4) A MUNICIPAL POLICE OFFICER.

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

20 * * *

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

22 ~~§ 6304. (RESERVED).~~

<--

23 § 6305. ELECTRONIC REPORTING.

24 (A) DEPARTMENTAL PROCEDURES.--THE DEPARTMENT SHALL ESTABLISH
25 PROCEDURES FOR THE SECURE AND CONFIDENTIAL USE OF ELECTRONIC
26 TECHNOLOGIES TO TRANSMIT INFORMATION UNDER THIS CHAPTER,
27 INCLUDING:

- 28 (1) THE FILING OF REPORTS AND OTHER REQUIRED RECORDS,
29 INCLUDING THOSE OF THE COUNTY AGENCY; AND
30 (2) THE VERIFICATION OF RECORDS AND SIGNATURES ON FORMS.

1 (B) CONFIRMATION OF REPORTS.--A CONFIRMATION BY THE
2 DEPARTMENT OF THE RECEIPT OF A REPORT OF SUSPECTED CHILD ABUSE
3 SUBMITTED ELECTRONICALLY SHALL RELIEVE THE PERSON MAKING THE
4 REPORT OF MAKING AN ADDITIONAL ORAL OR WRITTEN REPORT OF
5 SUSPECTED CHILD ABUSE, SUBJECT TO SECTION 6313 (RELATING TO
6 REPORTING PROCEDURE).

7 (C) EFFECT ON OTHER LAW.--NOTHING IN THIS CHAPTER SHALL BE
8 CONSTRUED TO SUPERSEDE THE ACT OF DECEMBER 16, 1999 (P.L.971,
9 NO.69), KNOWN AS THE ELECTRONIC TRANSACTIONS ACT. ANY PROCEDURES
10 DEVELOPED BY THE DEPARTMENT UNDER THIS SECTION SHALL COMPLY WITH
11 ALL APPLICABLE FEDERAL AND STATE LAWS REGARDING CONFIDENTIALITY
12 OF PERSONALLY IDENTIFIABLE INFORMATION.
13 § 6306. REGULATIONS.

14 THE DEPARTMENT SHALL PROMULGATE REGULATIONS NECESSARY TO
15 IMPLEMENT THIS CHAPTER.

16 ~~SECTION 3. SECTIONS 6317, 6331, 6332(A), 6333 AND 6334 OF~~ <--
17 ~~TITLE 23 ARE AMENDED TO READ:~~

18 SECTION 3. SECTION 6317 OF TITLE 23 IS AMENDED TO READ: <--
19 § 6317. MANDATORY REPORTING AND POSTMORTEM INVESTIGATION OF
20 DEATHS.

21 A PERSON OR OFFICIAL REQUIRED TO REPORT CASES OF SUSPECTED
22 CHILD ABUSE, INCLUDING EMPLOYEES OF A COUNTY AGENCY, WHO HAS
23 REASONABLE CAUSE TO SUSPECT THAT A CHILD DIED AS A RESULT OF
24 CHILD ABUSE SHALL REPORT THAT SUSPICION TO THE APPROPRIATE
25 CORONER OR MEDICAL EXAMINER. THE CORONER OR MEDICAL EXAMINER
26 SHALL ACCEPT THE REPORT FOR INVESTIGATION AND SHALL REPORT HIS
27 FINDING TO THE POLICE, THE DISTRICT ATTORNEY, THE APPROPRIATE
28 COUNTY AGENCY AND, IF THE REPORT IS MADE BY A HOSPITAL, THE
29 HOSPITAL.

30 ~~§ 6331. ESTABLISHMENT OF [PENDING COMPLAINT FILE, STATEWIDE~~ <--

1 ~~CENTRAL REGISTER AND FILE OF UNFOUNDED REPORTS]~~

2 ~~STATEWIDE DATABASE.~~

3 ~~THERE SHALL BE ESTABLISHED IN THE DEPARTMENT[:~~

4 ~~(1) A PENDING COMPLAINT FILE OF CHILD ABUSE REPORTS~~
5 ~~UNDER INVESTIGATION AND A FILE OF REPORTS UNDER INVESTIGATION~~
6 ~~PURSUANT TO SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC~~
7 ~~AND PRIVATE SCHOOLS).~~

8 ~~(2) A STATEWIDE CENTRAL REGISTER OF CHILD ABUSE WHICH~~
9 ~~SHALL CONSIST OF FOUNDED AND INDICATED REPORTS.~~

10 ~~(3) A FILE OF UNFOUNDED REPORTS AWAITING EXPUNCTION.]~~
11 ~~A STATEWIDE DATABASE OF PROTECTIVE SERVICES, WHICH SHALL~~
12 ~~INCLUDE THE FOLLOWING, AS PROVIDED BY SECTION 6336 (RELATING TO~~
13 ~~INFORMATION IN STATEWIDE DATABASE):~~

14 SECTION 3.1. SECTION 6331 OF TITLE 23, AMENDED DECEMBER 18, <--
15 2013 (P.L.1201, NO.119), IS AMENDED TO READ:

16 § 6331. ESTABLISHMENT OF STATEWIDE DATABASE.

17 THERE SHALL BE ESTABLISHED IN THE DEPARTMENT A STATEWIDE
18 DATABASE OF PROTECTIVE SERVICES, WHICH SHALL INCLUDE THE
19 FOLLOWING, AS PROVIDED BY SECTION 6336 (RELATING TO INFORMATION
20 IN STATEWIDE [CENTRAL REGISTER):

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 (4) FALSE REPORTS OF CHILD ABUSE PURSUANT TO A
29 CONVICTION UNDER 18 PA.C.S. § 4906.1 (RELATING TO FALSE
30 REPORTS OF CHILD ABUSE) AND INVALID GENERAL PROTECTIVE

1 SERVICES REPORTS THAT A COUNTY AGENCY OR THE DEPARTMENT HAVE
2 DETERMINED TO BE FALSE, FOR THE PURPOSE OF IDENTIFYING AND
3 TRACKING PATTERNS OF INTENTIONALLY FALSE REPORTS.] DATABASE):

4 (1) REPORTS OF SUSPECTED CHILD ABUSE PENDING
5 INVESTIGATION.

6 (2) REPORTS WITH A STATUS OF PENDING JUVENILE COURT OR
7 PENDING CRIMINAL COURT ACTION.

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

9 (4) UNFOUNDED REPORTS OF CHILD ABUSE AWAITING
10 EXPUNCTION.

11 (5) UNFOUNDED REPORTS ACCEPTED FOR SERVICES.

12 (6) REPORTS ALLEGING THE NEED FOR GENERAL PROTECTIVE
13 SERVICES.

14 (7) GENERAL PROTECTIVE SERVICES REPORTS THAT HAVE BEEN
15 DETERMINED TO BE VALID.

16 (8) REPORTS ALLEGING THE NEED FOR GENERAL PROTECTIVE
17 SERVICES THAT HAVE BEEN DETERMINED INVALID AND ARE AWAITING
18 EXPUNCTION.

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

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

23 (11) FALSE REPORTS OF CHILD ABUSE PURSUANT TO A <--
24 CONVICTION UNDER 18 PA.C.S. § 4906.1 (RELATING TO FALSE
25 REPORTS OF CHILD ABUSE) AND INVALID GENERAL PROTECTIVE
26 SERVICES REPORTS THAT A COUNTY AGENCY OR THE DEPARTMENT HAVE
27 DETERMINED TO BE FALSE, FOR THE PURPOSE OF IDENTIFYING AND
28 TRACKING PATTERNS OF INTENTIONALLY FALSE REPORTS.

29 SECTION 3.2. SECTIONS 6332(A), 6333 AND 6334 OF TITLE 23 ARE
30 AMENDED TO READ:

1 § 6332. ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE NUMBER.

2 (A) GENERAL RULE.--THE DEPARTMENT SHALL ESTABLISH A SINGLE
3 STATEWIDE TOLL-FREE TELEPHONE NUMBER THAT ALL PERSONS, WHETHER
4 MANDATED BY LAW OR NOT, MAY USE TO REPORT CASES OF SUSPECTED
5 CHILD ABUSE OR CHILDREN ALLEGEDLY IN NEED OF GENERAL PROTECTIVE
6 SERVICES. A COUNTY AGENCY OR LAW ENFORCEMENT OFFICIAL SHALL USE
7 THE STATEWIDE TOLL-FREE TELEPHONE NUMBER OR ELECTRONIC
8 TECHNOLOGIES FOR DETERMINING THE EXISTENCE OF [PRIOR FOUNDED OR
9 INDICATED] REPORTS OF CHILD ABUSE OR GENERAL PROTECTIVE SERVICES
10 REPORTS IN THE STATEWIDE [CENTRAL REGISTER] DATABASE OR REPORTS
11 UNDER INVESTIGATION [IN THE PENDING COMPLAINT FILE].

12 * * *

13 § 6333. CONTINUOUS AVAILABILITY OF DEPARTMENT.

14 THE DEPARTMENT SHALL BE CAPABLE OF RECEIVING ORAL REPORTS OF
15 CHILD ABUSE [MADE], REPORTS OF CHILDREN IN NEED OF GENERAL
16 PROTECTIVE SERVICES, REPORTS MADE BY ELECTRONIC TECHNOLOGIES
17 PURSUANT TO THIS CHAPTER[, REPORTS UNDER SECTION 6353.2
18 (RELATING TO RESPONSIBILITIES OF COUNTY AGENCY)] AND REPORT
19 SUMMARIES [OF CHILD ABUSE] FROM COUNTY AGENCIES [AND]. THE
20 DEPARTMENT SHALL BE CAPABLE OF IMMEDIATELY IDENTIFYING PRIOR
21 REPORTS [OF CHILD ABUSE AND PRIOR REPORTS OF ABUSE OR INJURY
22 UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC AND PRIVATE
23 SCHOOLS) IN THE STATEWIDE CENTRAL REGISTER] IN THE STATEWIDE
24 DATABASE AND REPORTS UNDER INVESTIGATION [IN THE PENDING
25 COMPLAINT FILE] WITH A PENDING STATUS AND OF MONITORING THE
26 PROVISION OF CHILD PROTECTIVE SERVICES 24 HOURS A DAY, SEVEN
27 DAYS A WEEK.

28 § 6334. DISPOSITION OF COMPLAINTS RECEIVED.

29 [(A) NOTICE TO COUNTY AGENCY.--UPON RECEIPT OF A COMPLAINT
30 OF SUSPECTED CHILD ABUSE, THE DEPARTMENT SHALL IMMEDIATELY

1 TRANSMIT ORALLY TO THE APPROPRIATE COUNTY AGENCY NOTICE THAT THE
2 COMPLAINT OF SUSPECTED CHILD ABUSE HAS BEEN RECEIVED AND THE
3 SUBSTANCE OF THE COMPLAINT. IF THE STATEWIDE CENTRAL REGISTER OR
4 THE PENDING COMPLAINT FILE CONTAINS INFORMATION INDICATING A
5 PRIOR REPORT OR A CURRENT INVESTIGATION CONCERNING A SUBJECT OF
6 THE REPORT, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE
7 APPROPRIATE COUNTY AGENCY OF THIS FACT. THE APPROPRIATE COUNTY
8 AGENCY SHALL MEAN THE AGENCY IN THE COUNTY WHERE THE SUSPECTED
9 CHILD ABUSE OCCURRED. IF THE RESIDENCY OF THE SUBJECTS IS A
10 FACTOR THAT REQUIRES THE COOPERATION OF MORE THAN ONE COUNTY
11 AGENCY, THE DEPARTMENT SHALL DEVELOP REGULATIONS TO ENSURE THE
12 COOPERATION OF THOSE AGENCIES IN CARRYING OUT THE REQUIREMENTS
13 OF THIS CHAPTER.

14 (B) REFERRAL FOR SERVICES OR INVESTIGATION.--IF THE
15 COMPLAINT RECEIVED DOES NOT SUGGEST SUSPECTED CHILD ABUSE BUT
16 DOES SUGGEST A NEED FOR SOCIAL SERVICES OR OTHER SERVICES OR
17 INVESTIGATION, THE DEPARTMENT SHALL TRANSMIT THE INFORMATION TO
18 THE COUNTY AGENCY OR OTHER PUBLIC AGENCY FOR APPROPRIATE ACTION.
19 THE INFORMATION SHALL NOT BE CONSIDERED A CHILD ABUSE REPORT
20 UNLESS THE AGENCY TO WHICH THE INFORMATION WAS REFERRED HAS
21 REASONABLE CAUSE TO SUSPECT AFTER INVESTIGATION THAT ABUSE
22 OCCURRED. IF THE AGENCY HAS REASONABLE CAUSE TO SUSPECT THAT
23 ABUSE OCCURRED, THE AGENCY SHALL NOTIFY THE DEPARTMENT, AND THE
24 INITIAL COMPLAINT SHALL BE CONSIDERED TO HAVE BEEN A CHILD ABUSE
25 REPORT.

26 (C) RECORDING IN PENDING COMPLAINT FILE.--UPON RECEIPT OF A
27 COMPLAINT OF SUSPECTED CHILD ABUSE, THE DEPARTMENT SHALL
28 MAINTAIN A RECORD OF THE COMPLAINT OF SUSPECTED CHILD ABUSE IN
29 THE PENDING COMPLAINT FILE. UPON RECEIPT OF A REPORT UNDER
30 SECTION 6353.2 (RELATING TO RESPONSIBILITIES OF COUNTY AGENCY),

1 THE DEPARTMENT SHALL MAINTAIN A RECORD OF THE REPORT IN THE
2 REPORT FILE UNDER SECTION 6331 (RELATING TO ESTABLISHMENT OF
3 PENDING COMPLAINT FILE, STATEWIDE CENTRAL REGISTER AND FILE OF
4 UNFOUNDED REPORTS) .

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

6 (1) A REPORT OF SUSPECTED CHILD ABUSE OCCURRING IN
7 ANOTHER STATE WHERE THE CHILD VICTIM IS IDENTIFIED AS A
8 RESIDENT OF THIS COMMONWEALTH AND THE OTHER STATE CHILD
9 PROTECTIVE SERVICES AGENCY CANNOT INVESTIGATE THE REPORT
10 BECAUSE OF STATUTORY OR POLICY LIMITATIONS SHALL BE ASSIGNED
11 AS A GENERAL PROTECTIVE SERVICES REPORT TO THE COUNTY OF THE
12 CHILD'S RESIDENCE OR AS DETERMINED BY THE DEPARTMENT.

13 (2) IN ADDITION TO COMPLYING WITH THE OTHER REQUIREMENTS
14 OF THIS CHAPTER AND APPLICABLE REGULATIONS, A COPY OF THE
15 REPORT SHALL BE PROVIDED TO THE OTHER STATE'S CHILD
16 PROTECTIVE SERVICES AGENCY AND, WHEN APPLICABLE UNDER
17 PENNSYLVANIA LAW, TO LAW ENFORCEMENT OFFICIALS WHERE THE
18 INCIDENT OCCURRED.

19 (3) REPORTS AND INFORMATION UNDER THIS SUBSECTION SHALL
20 BE PROVIDED WITHIN SEVEN CALENDAR DAYS OF COMPLETION OF THE
21 GENERAL PROTECTIVE SERVICES ASSESSMENT UNDER SECTION 6375
22 (RELATING TO COUNTY AGENCY REQUIREMENTS FOR GENERAL
23 PROTECTIVE SERVICES) .]

24 (A) RECEIPT OF REPORTS BY COUNTY AGENCIES AND LAW
25 ENFORCEMENT.--AFTER ENSURING THE IMMEDIATE SAFETY OF THE CHILD
26 AND ANY OTHER CHILD IN THE CHILD'S HOME, A COUNTY AGENCY OR LAW
27 ENFORCEMENT OFFICIAL THAT RECEIVES A REPORT OF SUSPECTED CHILD
28 ABUSE SHALL IMMEDIATELY NOTIFY THE DEPARTMENT OF THE REPORT. IF
29 THE REPORT IS AN ORAL REPORT BY TELEPHONE, THE COUNTY AGENCY OR
30 LAW ENFORCEMENT OFFICIAL SHALL ATTEMPT TO COLLECT AS MUCH OF THE

1 INFORMATION LISTED IN SECTION 6313(C) (RELATING TO REPORTING
2 PROCEDURE) AS POSSIBLE AND SHALL SUBMIT THE INFORMATION TO THE
3 DEPARTMENT WITHIN 48 HOURS THROUGH A REPORT IN WRITING OR BY
4 ELECTRONIC TECHNOLOGIES.

5 (B) RECEIPT OF REPORTS BY DEPARTMENT AND REFERRAL TO COUNTY
6 AGENCY.--THE DEPARTMENT SHALL IMMEDIATELY TRANSMIT AN ORAL
7 NOTICE OR A NOTICE BY ELECTRONIC TECHNOLOGIES TO THE COUNTY
8 AGENCY OF THE COUNTY WHERE THE SUSPECTED CHILD ABUSE IS ALLEGED
9 TO HAVE OCCURRED. THE NOTICE SHALL CONTAIN THE FOLLOWING
10 INFORMATION:

11 (1) THAT A REPORT OF SUSPECTED CHILD ABUSE BY A
12 PERPETRATOR HAS BEEN RECEIVED.

13 (2) THE SUBSTANCE OF THE REPORT.

14 (3) THE EXISTENCE IN THE STATEWIDE DATABASE OF A PRIOR
15 REPORT OR A CURRENT INVESTIGATION OR ASSESSMENT CONCERNING A
16 SUBJECT OF THE REPORT.

17 (C) RECEIPT OF REPORTS BY DEPARTMENT AND REFERRAL TO LAW
18 ENFORCEMENT.--IF THE DEPARTMENT RECEIVES A REPORT OF SUSPECTED
19 CHILD ABUSE THAT ALSO ALLEGES THAT A CRIMINAL OFFENSE HAS BEEN
20 COMMITTED AGAINST THE CHILD, THE DEPARTMENT SHALL IMMEDIATELY
21 TRANSMIT AN ORAL NOTICE OR NOTICE BY ELECTRONIC TECHNOLOGIES TO
22 THE APPROPRIATE LAW ENFORCEMENT OFFICIAL IN THE COUNTY WHERE THE
23 SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE OCCURRED. THE NOTICE
24 SHALL CONTAIN THE FOLLOWING INFORMATION, CONSISTENT WITH SECTION
25 6340(A) (9) AND (10) (RELATING TO RELEASE OF INFORMATION IN
26 CONFIDENTIAL REPORTS):

27 (1) THAT A REPORT OF SUSPECTED CHILD ABUSE HAS BEEN
28 RECEIVED.

29 (2) THE SUBSTANCE OF THE REPORT.

30 (3) THE EXISTENCE IN THE STATEWIDE DATABASE UNDER

1 SECTION 6331 (RELATING TO ESTABLISHMENT OF STATEWIDE
2 DATABASE) OF A PRIOR REPORT OR A CURRENT INVESTIGATION OR
3 ASSESSMENT CONCERNING A SUBJECT OF THE REPORT.

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

9 (E) JURISDICTIONAL OVERLAP.--IF THE RESIDENCY OF ANY SUBJECT
10 OF A REPORT IS A FACTOR THAT REQUIRES THE COOPERATION OF MORE
11 THAN ONE COUNTY AGENCY, THE DEPARTMENT SHALL DEVELOP PROCEDURES
12 TO ENSURE THE COOPERATION OF THOSE AGENCIES IN CARRYING OUT THE
13 REQUIREMENTS OF THIS CHAPTER.

14 (F) REFERRAL FOR SERVICES OR INVESTIGATION.--IF THE REPORT
15 RECEIVED DOES NOT SUGGEST A NEED FOR PROTECTIVE SERVICES BUT
16 DOES SUGGEST A NEED FOR SOCIAL SERVICES OR OTHER SERVICES OR
17 INVESTIGATION, THE DEPARTMENT SHALL TRANSMIT THE INFORMATION TO
18 THE COUNTY AGENCY OR OTHER PUBLIC AGENCY FOR APPROPRIATE ACTION.
19 THE INFORMATION SHALL NOT BE CONSIDERED A CHILD ABUSE REPORT
20 UNLESS THE AGENCY TO WHICH THE INFORMATION WAS REFERRED HAS
21 REASONABLE CAUSE TO SUSPECT AFTER INVESTIGATION THAT ABUSE
22 OCCURRED. IF THE AGENCY HAS REASONABLE CAUSE TO SUSPECT THAT
23 ABUSE OCCURRED, THE AGENCY SHALL NOTIFY THE DEPARTMENT, AND THE
24 INITIAL REPORT SHALL BE CONSIDERED TO HAVE BEEN A CHILD ABUSE
25 REPORT.

26 (G) RECORDING OF PENDING REPORTS.--UPON RECEIPT OF A REPORT
27 OF SUSPECTED CHILD ABUSE, THE DEPARTMENT SHALL MAINTAIN A RECORD
28 OF THE COMPLAINT OF SUSPECTED CHILD ABUSE IN THE STATEWIDE
29 DATABASE. UPON RECEIPT OF A REPORT UNDER SECTION 6353.2
30 (RELATING TO RESPONSIBILITIES OF COUNTY AGENCY), THE DEPARTMENT

1 SHALL MAINTAIN A RECORD OF THE REPORT IN THE STATEWIDE DATABASE
2 UNDER SECTION 6331 (RELATING TO ESTABLISHMENT OF STATEWIDE
3 DATABASE).

4 (H) CHILD ABUSE IN ANOTHER STATE WHERE THE VICTIM CHILD AND
5 THE ALLEGED PERPETRATOR ARE RESIDENTS OF THE COMMONWEALTH.--A
6 REPORT OF SUSPECTED CHILD ABUSE BY A RESIDENT PERPETRATOR
7 OCCURRING IN ANOTHER STATE SHALL BE REFERRED BY THE DEPARTMENT
8 TO THE COUNTY AGENCY WHERE THE CHILD RESIDES IN THIS
9 COMMONWEALTH AND SHALL BE INVESTIGATED BY THE COUNTY AGENCY AS
10 ANY OTHER REPORT OF SUSPECTED CHILD ABUSE BY A PERPETRATOR IF
11 THE OTHER STATE'S CHILD PROTECTIVE SERVICES AGENCY CANNOT OR
12 WILL NOT INVESTIGATE THE REPORT.

13 (I) CHILD ABUSE IN ANOTHER STATE WHERE ONLY THE ALLEGED
14 PERPETRATOR IS A RESIDENT OF THIS COMMONWEALTH.--IF SUSPECTED
15 CHILD ABUSE OCCURS IN A JURISDICTION OTHER THAN THIS
16 COMMONWEALTH AND ONLY THE ALLEGED PERPETRATOR IS A RESIDENT OF
17 THIS COMMONWEALTH, THE REPORT OF SUSPECTED CHILD ABUSE SHALL BE
18 REFERRED TO THE COUNTY AGENCY WHERE THE ALLEGED PERPETRATOR
19 RESIDES. THE COUNTY AGENCY SHALL DO ALL OF THE FOLLOWING:

20 (1) NOTIFY THE CHILDREN AND YOUTH SOCIAL SERVICE AGENCY
21 OF THE JURISDICTION IN WHICH THE SUSPECTED CHILD ABUSE
22 OCCURRED.

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

25 (J) CHILD ABUSE IN ANOTHER STATE WHERE ONLY THE VICTIM CHILD
26 IS A RESIDENT OF THIS COMMONWEALTH.--A REPORT OF SUSPECTED CHILD
27 ABUSE OCCURRING IN ANOTHER STATE WHERE ONLY THE VICTIM CHILD
28 RESIDES IN THIS COMMONWEALTH, AND WHERE THE OTHER STATE'S CHILD
29 PROTECTIVE SERVICES AGENCY CANNOT OR WILL NOT INVESTIGATE THE
30 REPORT, SHALL BE ASSIGNED AS A GENERAL PROTECTIVE SERVICES

1 REPORT TO THE COUNTY AGENCY WHERE THE CHILD RESIDES.

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

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

10 SECTION 4. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:
11 § 6334.1. RESPONSIBILITY FOR INVESTIGATION.

12 THE DEPARTMENT SHALL ESTABLISH PROCEDURES REGARDING THE
13 FOLLOWING DIFFERENT RESPONSES TO ADDRESS SUSPECTED CHILD ABUSE
14 AND PROTECTIVE SERVICES DEPENDING ON THE PERSON'S ALLEGEDLY
15 COMMITTING THE SUSPECTED CHILD ABUSE OR CAUSING A CHILD TO BE IN
16 NEED OF PROTECTIVE SERVICES:

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

20 (2) IF THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE BEEN
21 COMMITTED BY A PERPETRATOR AND THE BEHAVIOR CONSTITUTING THE
22 SUSPECTED CHILD ABUSE MAY INCLUDE A VIOLATION OF A CRIMINAL
23 OFFENSE, THE APPROPRIATE COUNTY AGENCY AND LAW ENFORCEMENT
24 OFFICIALS SHALL JOINTLY INVESTIGATE THE ALLEGATION THROUGH
25 THE INVESTIGATIVE TEAM ESTABLISHED IN SECTION 6365(C)
26 (RELATING TO SERVICES FOR PREVENTION, INVESTIGATION AND
27 TREATMENT OF CHILD ABUSE) AND AS PROVIDED IN THIS CHAPTER.

28 (3) IF THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE BEEN
29 COMMITTED BY A PERSON WHO IS NOT A PERPETRATOR, AND THE
30 BEHAVIOR CONSTITUTING THE SUSPECTED CHILD ABUSE MAY INCLUDE A

1 VIOLATION OF A CRIMINAL OFFENSE, LAW ENFORCEMENT OFFICIALS
2 WHERE THE SUSPECTED CHILD ABUSE IS ALLEGED TO HAVE OCCURRED
3 SHALL BE SOLELY RESPONSIBLE FOR INVESTIGATING THE ALLEGATION.

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

7 SECTION 5. ~~SECTIONS 6335, 6336, 6337, 6338(A) AND (C), 6339, <--~~
8 ~~6340(A)(9), (10), (12) AND (13), (B), (C) AND (D) AND 6342(A)~~
9 6336 AND 6337 OF TITLE 23 ARE AMENDED TO READ: <--

10 § 6335. [INFORMATION IN PENDING COMPLAINT AND UNFOUNDED REPORT
11 FILES.

12 (A) INFORMATION AUTHORIZED.--THE INFORMATION CONTAINED IN
13 THE PENDING COMPLAINT FILE SHALL BE LIMITED TO THE INFORMATION
14 REQUIRED IN SECTIONS 6313(C) (RELATING TO REPORTING PROCEDURE)
15 AND 6353.2 (RELATING TO RESPONSIBILITIES OF COUNTY AGENCY). THE
16 INFORMATION CONTAINED IN THE FILE FOR UNFOUNDED REPORTS SHALL BE
17 LIMITED TO THE INFORMATION REQUIRED BY SECTION 6336 (RELATING TO
18 INFORMATION IN STATEWIDE CENTRAL REGISTER).

19 (B) ACCESS TO INFORMATION.--EXCEPT AS PROVIDED IN SECTIONS
20 6332 (RELATING TO ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE
21 NUMBER), 6334 (RELATING TO DISPOSITION OF COMPLAINTS RECEIVED),
22 6340 (RELATING TO RELEASE OF INFORMATION IN CONFIDENTIAL
23 REPORTS) AND 6342 (RELATING TO STUDIES OF DATA IN RECORDS), NO
24 PERSON, OTHER THAN AN EMPLOYEE OF THE DEPARTMENT IN THE COURSE
25 OF OFFICIAL DUTIES IN CONNECTION WITH THE RESPONSIBILITIES OF
26 THE DEPARTMENT UNDER THIS CHAPTER, SHALL AT ANY TIME HAVE ACCESS
27 TO ANY INFORMATION IN THE PENDING COMPLAINT FILE OR STATEWIDE
28 CENTRAL REGISTER. INFORMATION IN THE FILE OF UNFOUNDED REPORTS
29 SHALL BE AVAILABLE ONLY TO EMPLOYEES OF THE DEPARTMENT PURSUANT
30 TO THIS SUBSECTION, TO SUBJECTS OF A REPORT OR LAW ENFORCEMENT

1 OFFICIALS PURSUANT TO SECTION 6340 AND TO THE OFFICE OF ATTORNEY
2 GENERAL PURSUANT TO SECTION 6345 (RELATING TO AUDITS BY ATTORNEY
3 GENERAL) UNTIL THE REPORTS ARE EXPUNGED PURSUANT TO SECTION 6337
4 (RELATING TO DISPOSITION OF UNFOUNDED REPORTS).]

5 ACCESS TO INFORMATION IN STATEWIDE DATABASE.

6 (A) REQUEST FOR INFORMATION.--A COUNTY AGENCY OR LAW
7 ENFORCEMENT OFFICIAL SHALL USE THE STATEWIDE TOLL-FREE TELEPHONE
8 NUMBER, OR ANY MANNER PRESCRIBED BY THE DEPARTMENT, TO DETERMINE
9 THE EXISTENCE OF ANY PRIOR REPORTS INVOLVING A SUBJECT OF THE
10 REPORT. IF THE STATEWIDE DATABASE CONTAINS INFORMATION RELATED
11 TO A REPORT OR A PENDING INVESTIGATION OR ASSESSMENT CONCERNING
12 A SUBJECT OF THE REPORT, THE DEPARTMENT SHALL IMMEDIATELY CONVEY
13 THIS INFORMATION TO THE COUNTY AGENCY OR LAW ENFORCEMENT
14 OFFICIAL.

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

18 (1) IDENTIFIED THE REQUESTER, INCLUDING ELECTRONIC
19 VERIFICATION OF THE REQUESTER'S IDENTITY.

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

22 (3) PROVIDED NOTICE TO THE REQUESTER THAT ACCESS AND
23 DISSEMINATION OF THE INFORMATION IS RESTRICTED AS PROVIDED BY
24 THIS CHAPTER.

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

28 (C) USE BY COUNTY AGENCY OR LAW ENFORCEMENT OFFICIAL.--A
29 COUNTY AGENCY OR LAW ENFORCEMENT OFFICIAL MAY ONLY REQUEST THE
30 INFORMATION UNDER SUBSECTION (A) FOR THE PURPOSES OF

1 INVESTIGATING REPORTS OF CHILD ABUSE, ASSESSING ALLEGATIONS THAT
2 A CHILD IS IN NEED OF GENERAL PROTECTIVE SERVICES, PROVIDING
3 PROTECTIVE SERVICES TO A CHILD OR INVESTIGATING A CRIME AGAINST
4 A CHILD CRIMINAL OFFENSE. THE FOLLOWING SHALL APPLY WHERE
5 INFORMATION IS REQUESTED PURSUANT TO THIS SECTION:

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

9 (I) INFORMATION REGARDING INDICATED AND FOUNDED
10 REPORTS MAY BE USED FOR ANY PURPOSE AUTHORIZED BY THIS
11 CHAPTER.

12 (II) INFORMATION ON ALL OTHER REPORTS MAY BE USED
13 FOR THE PURPOSES OF INVESTIGATING A CRIME INVOLVING HARM
14 OR THREATENED HARM TO A CHILD, AN ALLEGED VIOLATION OF
15 SECTION 6319 (RELATING TO PENALTIES FOR FAILURE TO REPORT
16 OR TO REFER) OR SECTION 6349 (RELATING TO PENALTIES), OR
17 AN ALLEGED VIOLATION OF 18 PA.C.S. § 4906.1 (RELATING TO
18 FALSE REPORTS OF CHILD ABUSE) OR 4958 (RELATING TO
19 INTIMIDATION, RETALIATION OR OBSTRUCTION IN CHILD ABUSE
20 CASES).

21 (2) A COUNTY AGENCY 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 COUNTY AGENCY WHEN
30 DETERMINING THAT A NEW REPORT OF SUSPECTED ABUSE IS AN

1 INDICATED REPORT.

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

4 (I) INFORMATION REGARDING INDICATED OR FOUNDED
5 REPORTS MAY BE USED FOR ANY PURPOSE AUTHORIZED BY THIS
6 CHAPTER.

7 (II) INFORMATION ON ALL OTHER REPORTS MAY BE USED
8 FOR ANY PURPOSE AUTHORIZED BY THIS CHAPTER, EXCEPT THAT
9 INFORMATION IN REPORTS THAT ARE NOT FOUNDED OR INDICATED
10 MAY NOT BE USED AS EVIDENCE BY THE DEPARTMENT WHEN
11 DETERMINING THAT A NEW REPORT OF SUSPECTED ABUSE IS AN
12 INDICATED REPORT.

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

15 (D) AUTHORIZED RELEASES FOR GOVERNMENTAL FUNCTIONS.--NO
16 PERSON, OTHER THAN AN EMPLOYEE OF THE DEPARTMENT IN THE COURSE
17 OF OFFICIAL DUTIES IN CONNECTION WITH THE RESPONSIBILITIES OF
18 THE DEPARTMENT UNDER THIS CHAPTER, SHALL HAVE ACCESS TO ANY
19 INFORMATION IN THE STATEWIDE DATABASE EXCEPT AS PROVIDED UNDER
20 THIS SECTION AND THE FOLLOWING:

21 (1) SECTION 6334 (RELATING TO DISPOSITION OF COMPLAINTS
22 RECEIVED).

23 (2) SECTION 6340 (RELATING TO RELEASE OF INFORMATION IN
24 CONFIDENTIAL REPORTS).

25 (3) SECTION 6342 (RELATING TO STUDIES OF DATA IN
26 RECORDS).

27 (4) SECTION 6343 (RELATING TO INVESTIGATING PERFORMANCE
28 OF COUNTY AGENCY).

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

30 (6) SECTION 6347 (RELATING TO REPORTS TO GOVERNOR AND

1 GENERAL ASSEMBLY).
2 (E) CLEARANCES.--INFORMATION PROVIDED IN RESPONSE TO
3 INQUIRIES UNDER SECTION 6344 (RELATING TO INFORMATION RELATING
4 TO PROSPECTIVE CHILD-CARE PERSONNEL), 6344.1 (RELATING TO
5 INFORMATION RELATING TO FAMILY DAY-CARE HOME RESIDENTS) OR
6 6344.2 (RELATING TO INFORMATION RELATING TO OTHER PERSONS HAVING
7 CONTACT WITH CHILDREN) SHALL NOT INCLUDE UNFOUNDED REPORTS OF
8 CHILD ABUSE OR REPORTS RELATED TO GENERAL PROTECTIVE SERVICES
9 AND SHALL BE LIMITED TO THE FOLLOWING:

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

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

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

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

20 § 6336. INFORMATION IN STATEWIDE [CENTRAL REGISTER] DATABASE.

21 (A) INFORMATION AUTHORIZED.--THE STATEWIDE [CENTRAL
22 REGISTER] DATABASE SHALL INCLUDE AND SHALL BE LIMITED TO THE
23 FOLLOWING INFORMATION:

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

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

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

30 (4) THE COUNTY IN WHICH THE [SUSPECTED ABUSE OCCURRED]

1 ALLEGED INCIDENTS THAT CREATED THE NEED FOR PROTECTIVE
2 SERVICES OCCURRED.

3 (5) FAMILY COMPOSITION.

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

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

8 (8) THE SOURCE OF THE REPORT.

9 (9) SERVICES PLANNED OR PROVIDED.

10 (10) [WHETHER THE REPORT IS A FOUNDED REPORT OR AN
11 INDICATED REPORT.] IF THE REPORT ALLEGES CHILD ABUSE, WHETHER
12 THE REPORT WAS DETERMINED TO BE FOUNDED, INDICATED OR
13 UNFOUNDED.

14 (11) IF THE REPORT ALLEGED THE CHILD WAS IN NEED OF
15 GENERAL PROTECTIVE SERVICES, WHETHER THE REPORT WAS VALID OR
16 INVALID.

17 (12) IF THE REPORT WAS ACCEPTED FOR SERVICES AND THE
18 REASONS FOR THE ACCEPTANCE.

19 (13) IF THE REPORT WAS NOT ACCEPTED FOR SERVICES, THE
20 REASON THE REPORT WAS NOT ACCEPTED AND WHETHER THE FAMILY WAS
21 REFERRED TO OTHER COMMUNITY SERVICES.

22 [(11)] (14) INFORMATION OBTAINED BY THE DEPARTMENT IN
23 RELATION TO A PERPETRATOR'S OR SCHOOL EMPLOYEE'S REQUEST TO
24 RELEASE, AMEND OR EXPUNGE INFORMATION RETAINED BY THE
25 DEPARTMENT OR THE COUNTY AGENCY.

26 [(12)] (15) THE PROGRESS OF ANY LEGAL PROCEEDINGS BROUGHT
27 ON THE BASIS OF THE REPORT OF SUSPECTED CHILD ABUSE.

28 [(13)] (16) WHETHER A CRIMINAL INVESTIGATION HAS BEEN
29 UNDERTAKEN AND THE RESULT OF THE INVESTIGATION AND OF ANY
30 CRIMINAL PROSECUTION.

1 (17) IN THE CASE OF AN UNFOUNDED OR INVALID REPORT, IF
2 IT IS LATER DETERMINED THAT THE INITIAL REPORT WAS A FALSE
3 REPORT, A NOTATION TO THAT EFFECT REGARDING THE STATUS OF THE
4 REPORT.

5 (18) UNFOUNDED REPORTS OF CHILD ABUSE, LIMITED TO THE
6 INFORMATION AUTHORIZED UNDER SECTION 6337 (RELATING TO
7 DISPOSITION AND EXPUNCTION OF UNFOUNDED REPORTS AND GENERAL
8 PROTECTIVE SERVICES REPORTS).

9 (19) ANY ADDITIONAL INFORMATION PROVIDED IN SECTION
10 6313(C) (RELATING TO REPORTING PROCEDURE).

11 (20) ANY ADDITIONAL DEMOGRAPHIC INFORMATION THAT THE
12 DEPARTMENT REQUIRES TO COMPLY WITH SECTION 6342 (RELATING TO
13 STUDIES OF DATA IN RECORDS).

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

17 (22) WITH RESPECT TO CASES THAT ARE NOT ACCEPTED FOR
18 CHILD ABUSE INVESTIGATION OR GENERAL PROTECTIVE SERVICES
19 ASSESSMENT OR ARE REFERRED TO COMMUNITY SERVICES:

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

21 (II) ANY INFORMATION PROVIDED TO THE REFERRAL SOURCE
22 OR THE FAMILY RELATED TO OTHER SERVICES OR OPTION
23 AVAILABLE TO ADDRESS THE REPORT.

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

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

1 [(B) TYPE OF INFORMATION RELEASED.--EXCEPT AS PROVIDED IN
2 SECTIONS 6334 (RELATING TO DISPOSITION OF COMPLAINTS RECEIVED),
3 6335 (RELATING TO INFORMATION IN PENDING COMPLAINT AND UNFOUNDED
4 REPORT FILES), 6340 (RELATING TO RELEASE OF INFORMATION IN
5 CONFIDENTIAL REPORTS) AND 6342 (RELATING TO STUDIES OF DATA IN
6 RECORDS), PERSONS RECEIVING INFORMATION FROM THE STATEWIDE
7 CENTRAL REGISTER OR PENDING COMPLAINT FILE MAY BE INFORMED ONLY
8 AS TO:

9 (1) WHETHER THE REPORT IS A FOUNDED OR INDICATED ABUSE
10 OR IS UNDER INVESTIGATION.

11 (2) THE NUMBER OF SUCH REPORTS.

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

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

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

17 (C) LIMITATION ON RELEASE OF INFORMATION.--EXCEPT AS
18 PROVIDED IN SECTIONS 6334, 6335, 6340 AND 6342, NO INFORMATION
19 SHALL BE RELEASED FROM THE STATEWIDE CENTRAL REGISTER OR PENDING
20 COMPLAINT FILE UNLESS PURSUANT TO SECTION 6332 (RELATING TO
21 ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE NUMBER) AND
22 UNLESS THE DEPARTMENT HAS POSITIVELY IDENTIFIED THE
23 REPRESENTATIVE OF THE COUNTY AGENCY REQUESTING THE INFORMATION
24 AND THE DEPARTMENT HAS INQUIRED INTO AND IS SATISFIED THAT THE
25 REPRESENTATIVE HAS A LEGITIMATE NEED, WITHIN THE SCOPE OF
26 OFFICIAL DUTIES AND THE PROVISIONS OF SECTION 6332, TO OBTAIN
27 THE INFORMATION. INFORMATION IN THE STATEWIDE CENTRAL REGISTER
28 OR PENDING COMPLAINT FILE SHALL NOT BE RELEASED FOR ANY PURPOSE
29 OR TO ANY INDIVIDUAL NOT SPECIFIED IN SECTION 6340.]

30 § 6337. DISPOSITION [OF UNFOUNDED REPORTS] AND EXPUNCTION OF

1 UNFOUNDED REPORTS AND GENERAL PROTECTIVE SERVICES
2 REPORTS.

3 (A) GENERAL RULE.--WHEN A REPORT OF SUSPECTED CHILD ABUSE IS
4 DETERMINED BY THE APPROPRIATE COUNTY AGENCY TO BE AN UNFOUNDED
5 REPORT, THE INFORMATION CONCERNING THAT REPORT OF SUSPECTED
6 CHILD ABUSE SHALL BE MAINTAINED FOR A PERIOD OF ONE YEAR.
7 FOLLOWING THE EXPIRATION OF ONE YEAR AFTER THE DATE THE REPORT
8 WAS RECEIVED BY THE DEPARTMENT, THE REPORT SHALL BE EXPUNGED
9 FROM THE [PENDING COMPLAINT FILE] STATEWIDE DATABASE, AS SOON AS
10 POSSIBLE, BUT NO LATER THAN 120 DAYS AFTER THE ONE-YEAR PERIOD
11 FOLLOWING THE DATE THE REPORT WAS RECEIVED BY THE DEPARTMENT,
12 AND NO INFORMATION OTHER THAN THAT AUTHORIZED BY SUBSECTION (B),
13 WHICH SHALL NOT INCLUDE ANY IDENTIFYING INFORMATION ON ANY
14 SUBJECT OF THE REPORT, SHALL BE RETAINED BY THE DEPARTMENT. THE
15 EXPUNCTION SHALL BE MANDATED AND GUARANTEED BY THE DEPARTMENT.

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

1 EXPUNCTION IS DELAYED.

2 (C) [EXPUNCTION OF INFORMATION.--ALL INFORMATION IDENTIFYING
3 THE SUBJECTS OF ANY REPORT OF SUSPECTED CHILD ABUSE AND OF ANY
4 REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC AND
5 PRIVATE SCHOOLS) DETERMINED TO BE AN UNFOUNDED REPORT SHALL BE
6 EXPUNGED FROM THE PENDING COMPLAINT FILE PURSUANT TO THIS
7 SECTION. THE EXPUNCTION SHALL BE MANDATED AND GUARANTEED BY THE
8 DEPARTMENT.] UNFOUNDED REPORTS ACCEPTED FOR SERVICES.--
9 INFORMATION ON AN UNFOUNDED REPORT SHALL BE RETAINED IN THE
10 STATEWIDE DATABASE IF THE COUNTY AGENCY HAS ACCEPTED THE FAMILY
11 FOR SERVICES AND THE REPORT OF SUSPECTED CHILD ABUSE IS CLEARLY
12 IDENTIFIED AS AN UNFOUNDED REPORT. THE COUNTY AGENCY SHALL
13 NOTIFY THE DEPARTMENT IMMEDIATELY UPON CLOSURE OF THE CASE AND
14 THE REPORT SHALL BE EXPUNGED AS SOON AS POSSIBLE, BUT NO LATER
15 THAN 120 DAYS AFTER THE ONE-YEAR PERIOD FOLLOWING THE DATE THE
16 FAMILY CASE WAS CLOSED. IF THE SUBJECT CHILD OF THE UNFOUNDED
17 REPORT BECOMES 23 YEARS OF AGE PRIOR TO THE CLOSURE OF THE
18 FAMILY CASE, THE UNFOUNDED REPORT SHALL BE EXPUNGED WHEN THE
19 SUBJECT CHILD REACHES 23 YEARS OF AGE.

20 (D) EXPUNCTION OF VALID GENERAL PROTECTIVE SERVICES
21 REPORTS.--INFORMATION CONCERNING VALID GENERAL PROTECTIVE
22 SERVICES REPORTS SHALL BE MAINTAINED IN THE STATEWIDE DATABASE
23 AS FOLLOWS:

24 (1) REPORTS THAT ARE ASSESSED BY THE COUNTY AGENCY AND
25 ARE DETERMINED TO BE VALID, BUT ARE NOT ACCEPTED FOR
26 SERVICES, SHALL BE REPORTED TO THE DEPARTMENT AND ENTERED
27 INTO THE STATEWIDE DATABASE. THE REPORTS SHALL BE MAINTAINED
28 FOR A PERIOD OF FIVE YEARS. FOLLOWING THE EXPIRATION OF FIVE
29 YEARS AFTER THE DATE THE REPORT WAS RECEIVED BY THE
30 DEPARTMENT, THE REPORT SHALL BE EXPUNGED FROM THE STATEWIDE

1 DATABASE AS SOON AS POSSIBLE, BUT NO LATER THAN 120 DAYS
2 AFTER THE FIVE-YEAR PERIOD FOLLOWING THE DATE THE REPORT WAS
3 RECEIVED BY THE DEPARTMENT.

4 (2) REPORTS THAT ARE ASSESSED BY THE COUNTY AGENCY AND
5 ACCEPTED FOR SERVICES SHALL BE REPORTED TO THE DEPARTMENT AND
6 ENTERED INTO THE STATEWIDE DATABASE. THE REPORTS SHALL BE
7 MAINTAINED FOR A PERIOD OF FIVE YEARS AFTER THE CLOSURE OF
8 SERVICES BY THE COUNTY AGENCY. FOLLOWING THE EXPIRATION OF
9 FIVE YEARS AFTER THE CLOSURE OF SERVICES BY THE COUNTY
10 AGENCY, THE REPORT SHALL BE EXPUNGED FROM THE STATEWIDE
11 DATABASE AS SOON AS POSSIBLE, BUT NO LATER THAN 120 DAYS
12 AFTER THE FIVE-YEAR PERIOD FOLLOWING THE CLOSURE OF SERVICES
13 BY THE COUNTY AGENCY.

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

17 (E) EXPUNCTION OF INVALID GENERAL PROTECTIVE SERVICES
18 REPORTS.--WHEN A REPORT ALLEGING THE NEED FOR GENERAL PROTECTIVE
19 SERVICES IS DETERMINED BY THE APPROPRIATE COUNTY AGENCY TO BE AN
20 INVALID REPORT, THE INFORMATION CONCERNING THAT REPORT SHALL BE
21 MAINTAINED FOR A PERIOD OF ONE YEAR. FOLLOWING THE EXPIRATION OF
22 ONE YEAR AFTER THE DATE THE REPORT WAS RECEIVED BY THE
23 DEPARTMENT, THE REPORT SHALL BE EXPUNGED AS SOON AS POSSIBLE,
24 BUT NO LATER THAN 120 DAYS AFTER THE ONE-YEAR PERIOD FOLLOWING
25 THE DATE THE REPORT WAS RECEIVED BY THE DEPARTMENT. THE
26 EXPUNCTION SHALL BE MANDATED AND GUARANTEED BY THE DEPARTMENT.

27 (F) COUNTY AGENCY RECORDS.--COUNTY AGENCY RECORDS OF
28 PROTECTIVE SERVICES SHALL BE USED AND MAINTAINED IN A MANNER
29 THAT IS CONSISTENT WITH THE USE AND MAINTENANCE OF INFORMATION
30 IN THE STATEWIDE DATABASE, AS PROVIDED UNDER THIS CHAPTER. IF

1 REQUIRED UNDER THIS CHAPTER TO AMEND OR EXPUNGE INFORMATION IN
2 THE STATEWIDE DATABASE, THE DEPARTMENT SHALL NOTIFY THE
3 APPROPRIATE COUNTY AGENCY OF THE AMENDMENT OR EXPUNGEMENT WITHIN
4 TEN DAYS. THE COUNTY AGENCY SHALL AMEND OR EXPUNGE ITS RECORDS
5 IN A COMMENSURATE MANNER WITHIN TEN DAYS OF RECEIVING
6 NOTIFICATION FROM THE DEPARTMENT.

7 SECTION 5.1. SECTION 6338(A) AND (C) OF TITLE 23, AMENDED <--
8 DECEMBER 18, 2013 (P.L.1170, NO.108), ARE AMENDED TO READ:

9 § 6338. DISPOSITION OF FOUNDED AND INDICATED REPORTS.

10 ~~(A) GENERAL RULE. WHEN A REPORT OF SUSPECTED CHILD ABUSE OR <--~~
11 ~~A REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC~~
12 ~~AND PRIVATE SCHOOLS) IS DETERMINED BY THE APPROPRIATE COUNTY~~
13 ~~AGENCY TO BE A FOUNDED REPORT OR AN INDICATED REPORT, THE~~
14 ~~{INFORMATION CONCERNING THAT REPORT OF SUSPECTED CHILD ABUSE~~
15 ~~SHALL BE EXPUNGED IMMEDIATELY FROM THE PENDING COMPLAINT FILE,~~
16 ~~AND AN APPROPRIATE ENTRY SHALL BE MADE IN THE STATEWIDE CENTRAL~~
17 ~~REGISTER} STATUS OF THE REPORT SHALL BE CHANGED FROM PENDING TO~~
18 ~~FOUNDED OR INDICATED IN THE STATEWIDE DATABASE. NOTICE OF THE~~
19 ~~DETERMINATION MUST BE GIVEN TO THE SUBJECTS OF THE REPORT, OTHER~~
20 ~~THAN THE ABUSED CHILD, AND TO THE PARENT OR GUARDIAN OF THE~~
21 ~~AFFECTED CHILD OR STUDENT ALONG WITH AN EXPLANATION OF THE~~
22 ~~IMPLICATIONS OF THE DETERMINATION. NOTICE GIVEN TO PERPETRATORS~~
23 ~~OF CHILD ABUSE AND TO SCHOOL EMPLOYEES WHO ARE SUBJECTS OF~~
24 ~~INDICATED REPORTS FOR SCHOOL EMPLOYEES OR FOUNDED REPORTS FOR~~
25 ~~SCHOOL EMPLOYEES SHALL INCLUDE NOTICE THAT THEIR ABILITY TO~~
26 ~~OBTAIN EMPLOYMENT IN A CHILD CARE FACILITY OR PROGRAM OR A~~
27 ~~PUBLIC OR PRIVATE SCHOOL MAY BE ADVERSELY AFFECTED BY ENTRY OF~~
28 ~~THE REPORT IN THE STATEWIDE [CENTRAL REGISTER] DATABASE. THE~~
29 ~~NOTICE SHALL ALSO INFORM THE RECIPIENT OF HIS RIGHT, WITHIN 45~~
30 ~~DAYS AFTER BEING NOTIFIED OF THE STATUS OF THE REPORT, TO APPEAL~~

1 ~~AN INDICATED REPORT, AND HIS RIGHT TO A HEARING IF THE REQUEST~~
2 ~~IS DENIED.~~

3 (A) GENERAL RULE.--WHEN A REPORT OF SUSPECTED CHILD ABUSE OR <--
4 A REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC
5 AND PRIVATE SCHOOLS) IS DETERMINED BY THE APPROPRIATE COUNTY
6 AGENCY TO BE A FOUNDED REPORT OR AN INDICATED REPORT, THE
7 [INFORMATION CONCERNING THAT REPORT OF SUSPECTED CHILD ABUSE
8 SHALL BE EXPUNGED IMMEDIATELY FROM THE PENDING COMPLAINT FILE,
9 AND AN APPROPRIATE ENTRY SHALL BE MADE IN THE STATEWIDE CENTRAL
10 REGISTER] STATUS OF THE REPORT SHALL BE CHANGED FROM PENDING TO
11 FOUNDED OR INDICATED IN THE STATEWIDE DATABASE. NOTICE OF THE
12 DETERMINATION THAT A REPORT IS A FOUNDED, INDICATED OR UNFOUNDED
13 REPORT SHALL BE MADE AS PROVIDED IN SECTION 6368 (F) (RELATING TO
14 INVESTIGATION OF REPORTS).

15 * * *

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

24 SECTION 5.2. SECTIONS 6339, 6340 (A) (9), (10), (12) AND (13), <--
25 (B), (C) AND (D) AND 6342 (A) OF TITLE 23 ARE AMENDED TO READ:
26 § 6339. CONFIDENTIALITY OF REPORTS.

27 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBCHAPTER, REPORTS MADE
28 PURSUANT TO THIS CHAPTER, INCLUDING, BUT NOT LIMITED TO, REPORT
29 SUMMARIES OF CHILD ABUSE AND [WRITTEN] REPORTS MADE PURSUANT TO
30 SECTION [6313 (B) AND (C)] 6313 (RELATING TO REPORTING PROCEDURE)

1 AS WELL AS ANY OTHER INFORMATION OBTAINED, REPORTS WRITTEN OR
2 PHOTOGRAPHS OR X-RAYS TAKEN CONCERNING ALLEGED INSTANCES OF
3 CHILD ABUSE IN THE POSSESSION OF THE DEPARTMENT OR A COUNTY
4 AGENCY SHALL BE CONFIDENTIAL.

5 § 6340. RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS.

6 (A) GENERAL RULE.--REPORTS SPECIFIED IN SECTION 6339
7 (RELATING TO CONFIDENTIALITY OF REPORTS) SHALL ONLY BE MADE
8 AVAILABLE TO:

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

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

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

26 * * *

27 (12) A MANDATED REPORTER OF SUSPECTED CHILD ABUSE [AS
28 DEFINED IN] UNDER SECTION 6311 (RELATING TO PERSONS REQUIRED
29 TO REPORT SUSPECTED CHILD ABUSE) WHO MADE A REPORT OF ABUSE
30 INVOLVING THE SUBJECT CHILD, [BUT THE INFORMATION PERMITTED

1 TO BE RELEASED TO THE MANDATED REPORTER] SHALL BE LIMITED TO
2 THE FOLLOWING:

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

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

8 (13) [PERSONS REQUIRED TO MAKE REPORTS UNDER SUBCHAPTER
9 C.1 (RELATING TO STUDENTS IN PUBLIC AND PRIVATE SCHOOLS).

10 INFORMATION UNDER THIS PARAGRAPH SHALL BE LIMITED TO THE
11 FINAL STATUS OF THE REPORT FOLLOWING THE INVESTIGATION AS TO
12 WHETHER THE REPORT IS INDICATED, FOUNDED OR UNFOUNDED.]

13 SCHOOL ADMINISTRATORS AND CHILD CARE SERVICE EMPLOYERS, AS
14 PROVIDED UNDER THIS PARAGRAPH. THE FOLLOWING SHALL APPLY:

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

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

25 (III) IF THE PERPETRATOR IS A SCHOOL EMPLOYEE, THE
26 NOTICE OF THE FINAL STATUS OF THE REPORT SHALL BE SENT TO
27 THE DEPARTMENT OF EDUCATION WITHIN TEN DAYS OF THE
28 COMPLETION OF THE INVESTIGATION.

29 * * *

30 (B) RELEASE OF INFORMATION TO SUBJECT [OF REPORT].--[AT ANY

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

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

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

26 § 6342. STUDIES OF DATA IN RECORDS.

27 (A) STUDIES.--THE DEPARTMENT MAY CONDUCT OR AUTHORIZE THE
28 CONDUCTING OF STUDIES OF THE DATA CONTAINED IN THE [PENDING
29 COMPLAINT FILE AND THE STATEWIDE CENTRAL REGISTER AND] STATEWIDE
30 DATABASE AND BY COUNTY AGENCIES AND DISTRIBUTE THE RESULTS OF

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

7 * * *

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

11 § 6344. INFORMATION RELATING TO PROSPECTIVE CHILD-CARE
12 PERSONNEL.

13 * * *

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

18 * * *

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

25 * * *

26 (H.1) FORM OF PAYMENT.--PAYMENT OF THE FEE AUTHORIZED UNDER
27 SUBSECTION (H) MAY BE MADE BY AN INDIVIDUAL OR ORGANIZATION BY
28 CHECK, MONEY ORDER, CREDIT CARD OR DEBIT CARD.

29 * * *

30 (O) USE OF INFORMATION.--A FOSTER FAMILY CARE AGENCY MAY NOT

1 APPROVE A PROSPECTIVE FOSTER PARENT IF THE PROSPECTIVE FOSTER
2 PARENT OR AN INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO RESIDES FOR
3 AT LEAST 30 DAYS IN A CALENDAR YEAR WITH THE PROSPECTIVE FOSTER
4 PARENT MEETS EITHER OF THE FOLLOWING:

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

13 * * *

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

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

27 * * *

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

30 § 6344.1. INFORMATION RELATING TO FAMILY DAY-CARE HOME

1 RESIDENTS.

2 * * *

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

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

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

19 * * *

20 § 6346. COOPERATION OF OTHER AGENCIES.

21 (A) GENERAL RULE.--THE SECRETARY MAY REQUEST AND SHALL
22 RECEIVE FROM COMMONWEALTH AGENCIES, POLITICAL SUBDIVISIONS, AN
23 AUTHORIZED AGENCY OR ANY OTHER AGENCY PROVIDING SERVICES UNDER
24 THE LOCAL PROTECTIVE SERVICES PLAN ANY ASSISTANCE AND DATA THAT
25 WILL ENABLE THE DEPARTMENT AND THE COUNTY AGENCY TO FULFILL
26 THEIR RESPONSIBILITIES PROPERLY, INCLUDING LAW ENFORCEMENT
27 [PERSONNEL] OFFICIALS WHEN ASSISTANCE IS NEEDED IN CONDUCTING AN
28 INVESTIGATION OR AN ASSESSMENT OF SAFETY OR RISK TO THE CHILD.
29 SCHOOL DISTRICTS SHALL COOPERATE WITH THE DEPARTMENT AND THE
30 AGENCY BY PROVIDING THEM UPON REQUEST WITH THE INFORMATION AS IS

1 CONSISTENT WITH LAW.

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

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

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

29 § 6347. REPORTS TO GOVERNOR AND GENERAL ASSEMBLY.

30 (A) GENERAL RULE.--NO LATER THAN MAY 1 OF EVERY YEAR, THE

1 SECRETARY SHALL PREPARE AND TRANSMIT TO THE GOVERNOR AND THE
2 GENERAL ASSEMBLY A REPORT ON THE OPERATIONS OF THE [CENTRAL
3 REGISTER OF CHILD ABUSE AND CHILD] STATEWIDE DATABASE AND
4 PROTECTIVE SERVICES PROVIDED BY COUNTY AGENCIES. THE REPORT
5 SHALL INCLUDE A FULL STATISTICAL ANALYSIS OF THE REPORTS OF
6 SUSPECTED CHILD ABUSE MADE TO THE DEPARTMENT, THE REPORTS OF
7 GENERAL PROTECTIVE SERVICES MADE TO THE DEPARTMENT OR COUNTY
8 AGENCIES AND THE REPORTS UNDER SUBCHAPTER C.1 (RELATING TO
9 STUDENTS IN PUBLIC AND PRIVATE SCHOOLS), TOGETHER WITH A REPORT
10 ON THE IMPLEMENTATION OF THIS CHAPTER AND ITS TOTAL COST TO THE
11 COMMONWEALTH, THE EVALUATION OF THE SECRETARY OF SERVICES
12 OFFERED UNDER THIS CHAPTER AND RECOMMENDATIONS FOR REPEAL OR FOR
13 ADDITIONAL LEGISLATION TO FULFILL THE PURPOSES OF THIS CHAPTER.
14 ALL SUCH RECOMMENDATIONS SHOULD CONTAIN AN ESTIMATE OF INCREASED
15 OR DECREASED COSTS RESULTING THEREFROM. THE REPORT SHALL ALSO
16 INCLUDE AN EXPLANATION OF SERVICES PROVIDED TO CHILDREN WHO WERE
17 THE SUBJECTS OF FOUNDED OR INDICATED REPORTS WHILE RECEIVING
18 CHILD-CARE SERVICES. THE DEPARTMENT SHALL ALSO DESCRIBE ITS
19 ACTIONS IN RESPECT TO THE PERPETRATORS OF THE ABUSE.

20 * * *

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

23 § 6349. PENALTIES.

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

25 (1) A PERSON OR OFFICIAL AUTHORIZED TO KEEP THE RECORDS
26 MENTIONED IN SECTION 6337 (RELATING TO DISPOSITION [OF
27 UNFOUNDED REPORTS] AND EXPUNCTION OF UNFOUNDED REPORTS AND
28 GENERAL PROTECTIVE SERVICES REPORTS) OR 6338 (RELATING TO
29 DISPOSITION OF FOUNDED AND INDICATED REPORTS) WHO WILLFULLY
30 FAILS TO AMEND OR EXPUNGE THE INFORMATION WHEN REQUIRED

1 COMMITTS A [SUMMARY OFFENSE] MISDEMEANOR OF THE THIRD DEGREE
2 FOR THE FIRST VIOLATION AND A MISDEMEANOR OF THE [THIRD]
3 SECOND DEGREE FOR A SECOND OR SUBSEQUENT VIOLATION.

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

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

24 (B.1) UNAUTHORIZED ACCESS OR USE OF INFORMATION.--A PERSON
25 WHO WILLFULLY ACCESSES, ATTEMPTS TO ACCESS OR USES INFORMATION
26 IN THE STATEWIDE DATABASE FOR A PURPOSE NOT AUTHORIZED UNDER
27 THIS CHAPTER COMMITTS A MISDEMEANOR OF THE SECOND DEGREE. A
28 PERSON WHO USES INFORMATION IN THE STATEWIDE DATABASE FOR A
29 PURPOSE NOT AUTHORIZED UNDER THIS CHAPTER WITH INTENT TO HARASS,
30 EMBARRASS OR HARM ANOTHER PERSON COMMITTS A MISDEMEANOR OF THE

1 FIRST DEGREE.

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

13 SECTION 9. SECTION 6375(C) OF TITLE 23 IS AMENDED TO READ:
14 § 6375. COUNTY AGENCY REQUIREMENTS FOR GENERAL PROTECTIVE
15 SERVICES.

16 * * *

17 (C) ASSESSMENT FOR SERVICES.--

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

23 (1.1) THE COUNTY AGENCY SHALL IMMEDIATELY NOTIFY THE
24 DEPARTMENT UPON THE COMPLETION OF THE ASSESSMENT WHETHER THE
25 REPORT WAS DETERMINED TO BE VALID OR INVALID AND WHETHER THE
26 FAMILY WAS ACCEPTED FOR SERVICES OR REFERRED TO COMMUNITY
27 SERVICES.

28 (1.2) THE COUNTY AGENCY SHALL IMMEDIATELY NOTIFY THE
29 DEPARTMENT UPON THE CLOSURE OF SERVICES FOR A CHILD OR FAMILY
30 THAT HAS BEEN ACCEPTED FOR SERVICES.

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

3 * * *

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