
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 25 Session of
2013

INTRODUCED BY VULAKOVICH, BOSCOLA, SCARNATI, PILEGGI, BAKER,
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WILLIAMS AND YUDICHAK, MARCH 15, 2013

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 15, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services,
3 providing for electronic reporting and for regulations;
4 further providing for mandatory reporting and postmortem
5 investigation of deaths; providing for responsibility for
6 investigation, for report reception, for disposition of
7 initial reports, for jurisdictional overlap, for disposition
8 of reports and for cooperation with county agency; and
9 further providing for disposition of unfounded reports, for
10 confidentiality of reports and for release of information in
11 confidential reports.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Title 23 of the Pennsylvania Consolidated
15 Statutes is amended by adding sections to read:

16 § 6305. Electronic reporting.

17 (a) Departmental procedures.--The department shall establish
18 procedures for the secure and confidential use of electronic
19 technologies to transmit information under this chapter,
20 including the filing of reports and records and the verification
21 of records and signatures.

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(a) (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.

10 § 6306. Regulations.

11 The department shall promulgate regulations necessary to
12 implement this chapter which shall comply with Federal and State
13 law relating to confidentiality of personal information.

14 Section 2. Section 6317 of Title 23 is amended to read:

15 § 6317. Mandatory reporting and postmortem investigation of
16 deaths.

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

26 Section 3. Subchapter B of Chapter 63 of Title 23 is amended
27 by adding sections to read:

28 § 6321. Responsibility for investigation.

29 The department shall establish procedures to respond to
30 suspected child abuse or the need for protective services:

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

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

9 (3) If the suspected child abuse is alleged to have been
10 committed by a perpetrator and the behavior constituting the
11 suspected child abuse includes a criminal offense, the
12 appropriate county agency and local law enforcement shall
13 jointly investigate the allegation.

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

17 § 6322. Report reception.

18 (a) Continuous access.--The department must be capable of
19 the following on a 24-hour, seven-day-a-week basis:

20 (1) Receiving reports and referrals of suspected child
21 abuse and children in need of protective services.

22 (2) Responding to requests for information from county
23 agencies and law enforcement personnel under section 6335.1
24 (relating to access to information in Statewide database).

25 (3) Monitoring the provision of protective services.

26 (c) Continuous availability.--Each county agency shall, on a
27 24-hour, seven-day-a-week basis, receive reports of suspected
28 child abuse from the department under section 6323(b) (relating
29 to disposition of initial reports) or the general public in
30 accordance with the county child protective services plan and

1 regulations of the department.

2 (d) Verification of need.--Information may be released under
3 section 6335.1 if a request for information is made
4 electronically or orally and the department has:

5 (1) Identified the requester, including electronic
6 verification of the requester's identity.

7 (2) Determined whether the requester has a legitimate
8 need to obtain the information within the scope of official
9 duties and section 6335.1.

10 (3) Provided notice to the requester that access and
11 dissemination of the information is restricted as provided by
12 this chapter.

13 § 6323. Disposition of initial reports.

14 (a) Receipt of reports by county.--After ensuring the
15 immediate safety of the child and any other child in the child's
16 home, a county agency or law enforcement agency that receives a
17 report of suspected child abuse shall immediately notify the
18 department of the report. If the report is an oral report, the
19 county agency or law enforcement agency shall attempt to collect
20 the information and submit the information to the department
21 within 48 hours in writing or electronically.

22 (b) Receipt of reports by department.--The department shall
23 immediately transmit a written or electronic notice to the
24 county agency of the county where the suspected child abuse is
25 alleged to have occurred. The notice shall contain the
26 following:

27 (1) That a complaint of suspected child abuse by a
28 perpetrator has been received.

29 (2) The substance of the complaint.

30 (3) The existence in the Statewide database of a prior

1 report or a current investigation concerning a subject of the
2 report.

3 (c) Referral to law enforcement.--If the department receives
4 a report of suspected child abuse that alleges that a criminal
5 offense has been committed, the department shall immediately
6 transmit an oral or electronic notice to law enforcement
7 personnel in the county where the suspected child abuse is
8 alleged to have occurred. The notice shall contain the following
9 information in accordance with this chapter:

10 (1) Receipt of a complaint of suspected child abuse.

11 (2) The substance of the complaint.

12 (3) The existence in the Statewide database of a prior
13 report or a current investigation concerning a subject of the
14 report.

15 (d) Notice of joint referrals.--When a report is referred to
16 the county agency under subsection (b) and is also referred to
17 law enforcement under subsection (c), the notice shall include
18 the name and contact information of any persons receiving the
19 referral.

20 (e) Jurisdictional overlap.--The department shall develop
21 regulations to ensure the cooperation of agencies in carrying
22 out the requirements of this chapter.

23 (f) Referral.--If the complaint received does not suggest a
24 need for protective services but suggests a need for social
25 services or other services or investigation, the department
26 shall transmit the information to the county agency or other
27 public agency for appropriate action. The information shall not
28 be considered a child abuse report unless the agency has
29 reasonable cause to suspect that abuse occurred. If the agency
30 investigation indicates reasonable cause to suspect that abuse

1 occurred, the agency shall notify the department and the initial
2 complaint shall be considered to be a child abuse report.

3 § 6324. Disposition of reports.

4 (a) Resident child.--A report of suspected child abuse by a
5 perpetrator occurring in another state shall be referred by the
6 department to the county of the child's residence in this
7 Commonwealth and shall be investigated as any other report of
8 suspected child abuse by a perpetrator if all of the following
9 apply:

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

11 (2) The other state's child protective services agency
12 cannot investigate the report because of statutory or policy
13 limitations.

14 (b) Resident alleged perpetrator.--

15 (1) If suspected child abuse occurs in a jurisdiction
16 other than this Commonwealth and the alleged perpetrator is a
17 resident of this Commonwealth, the report of suspected child
18 abuse shall be referred to the county where the alleged
19 perpetrator resides.

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

21 (i) Contact the children and youth social service
22 agency of the jurisdiction in which the suspected child
23 abuse occurred.

24 (ii) Investigate the suspected child abuse, either
25 alone or in cooperation with the other agency.

26 (c) Copies of report.--A copy of the report of suspected
27 child abuse shall be provided to the other state's child
28 protective services agency and, if appropriate, to law
29 enforcement personnel in the county where the incident occurred.

30 (d) Communication.--Reports and information under this

1 section shall be provided within seven calendar days of
2 completion of the investigation.

3 § 6325. (Reserved).

4 § 6326. (Reserved).

5 § 6327. Cooperation with county agency.

6 (a) General rule.--The department shall receive from
7 Commonwealth agencies, political subdivisions, an authorized
8 agency, law enforcement agency or any other agency providing
9 services under the county plan for protective services any
10 assistance and data that will enable the department and the
11 county agency to fulfill their responsibilities.

12 (b) Willful failure to cooperate.--

13 (1) At the request of the department or county to
14 provide all information relating to an investigation of
15 suspected child abuse or a safety or risk assessment of a
16 child, an individual, agency, school, hospital or health care
17 provider shall immediately provide the information to the
18 department or county agency.

19 (2) No individual, except the district attorney or law
20 enforcement, may prohibit the department or county agency
21 from interviewing the child who is the subject of suspected
22 child abuse. Parental consent shall not be required prior to
23 the child's being interviewed by the department or county
24 agency.

25 (3) The following offenses shall apply:

26 (i) Any person failing to timely produce the
27 requested information under this section commits a
28 misdemeanor of the third degree.

29 (ii) Any person barring, inhibiting or precluding
30 sufficient access to the subject child commits a

1 misdemeanor of the second degree.

2 (c) Cooperation of county and law enforcement.--A county
3 agency and a law enforcement agency shall cooperate, to the
4 fullest extent possible, to respond to and investigate reports
5 of suspected child abuse.

6 (d) Advice to county agency.--If a report of suspected child
7 abuse is referred from a county agency to a law enforcement
8 agency under section 6340(a)(9) and (10) (relating to release of
9 information in confidential reports), the law enforcement agency
10 shall expeditiously advise the county agency of the limitation
11 of a criminal investigation, the results of the investigation
12 and any criminal prosecution. The county agency shall refer the
13 information to the Statewide database.

14 Section 4. Sections 6339 and 6340(a)(2), (4), (5), (6), (9),
15 (10), (12) and (13)(b), (c) and (d) of Title 23 are amended to
16 read:

17 § 6339. Confidentiality of reports.

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

26 § 6340. Release of information in confidential reports.

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

30 * * *

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

8 * * *

9 (4) An authorized official or agent of the department in
10 accordance with department regulations or in accordance with
11 the conduct of a performance audit as authorized by section
12 [6343] 6359.4 (relating to investigating performance of
13 county agency).

14 (5) A court of competent jurisdiction, including a
15 magisterial district judge, a judge of the Philadelphia
16 Municipal Court and a judge of the Pittsburgh Magistrates
17 Court, pursuant to court order or subpoena in a criminal
18 matter involving a charge of child abuse under section
19 [6303(b)] 6303 (relating to definitions). Disclosure through
20 testimony shall be subject to the restrictions of subsection
21 (c).

22 * * *

23 (6) A standing committee of the General Assembly, as
24 specified in section [6384] 6359.4 (relating to legislative
25 oversight).

26 * * *

27 (9) Law enforcement officials of any jurisdiction, as
28 long as the information is relevant in the course of
29 investigating cases of:

30 (i) Homicide or other criminal offense set forth in

1 section [6344(c) (relating to information relating to
2 prospective child-care personnel), sexual abuse, sexual
3 exploitation, serious bodily injury or serious physical
4 injury perpetrated by persons whether or not related to
5 the victim.] 6344.3(a) (relating to grounds for denying
6 employment or participation in program, activity or
7 service), sexual abuse or exploitation, bodily injury or
8 serious bodily injury caused by a perpetrator or
9 nonperpetrator.

10 (ii) [Child abuse perpetrated by persons who are not
11 family members.] Child abuse other than that identified
12 under subparagraph (i) by a nonperpetrator.

13 (iii) Repeated physical injury to a child under
14 circumstances which indicate that the child's health,
15 safety or welfare is harmed or threatened.

16 (iv) A missing child report.

17 (10) The district [attorney or his designee] attorney's
18 office or other law enforcement official, as set forth in
19 [the] county protocols for multidisciplinary investigative
20 teams required in section [6365(c) (relating to services for
21 prevention, investigation and treatment of child abuse)] 6326
22 (relating to investigation by multidisciplinary investigative
23 team), shall receive, immediately after the county agency has
24 ensured the safety of the child, reports of abuse[, either
25 orally or in writing,] according to regulations [promulgated
26 by the department], from the department or the county agency
27 in which the initial report of suspected child abuse or
28 initial inquiry into the report gives evidence that the abuse
29 is:

30 (i) a criminal offense [set forth in] under section

1 [6344(c), not including an offense under 18 Pa.C.S. §
2 4304 (relating to endangering welfare of children)]
3 6344.3(a) or an equivalent crime under Federal law or
4 [the] law of another state[, sexual abuse, sexual
5 exploitation or serious bodily injury perpetrated by
6 persons, whether or not related to the victim]; or

7 (ii) child abuse [perpetrated by persons who are not
8 family members; or

9 (iii) serious physical injury involving extensive
10 and severe bruising, burns, broken bones, lacerations,
11 internal bleeding, shaken baby syndrome or choking or an
12 injury that significantly impairs a child's physical
13 functioning, either temporarily or permanently] under
14 section 6321(2) or (3) (relating to responsibility for
15 investigation).

16 * * *

17 (12) A mandated reporter [of suspected child abuse as
18 defined in] under section 6311 (relating to persons required
19 to report suspected child abuse) who made a report of abuse
20 involving the subject child, [but the information permitted
21 to be released to the mandated reporter shall be] limited to
22 the following:

23 (i) [The final status of] Whether the child abuse
24 report [following the investigation, whether it be] is
25 indicated, founded or unfounded.

26 (ii) Any services provided, arranged for or to be
27 provided by the county agency to protect the child or any
28 service plan developed.

29 [(13) Persons required to make reports under Subchapter
30 C.1 (relating to students in public and private schools).

1 Information under this paragraph shall be limited to the
2 final status of the report following the investigation as to
3 whether the report is indicated, founded or unfounded.]

4 * * *

5 (b) Release of information to subject [of report].--[At any
6 time and upon] Upon a written request, a subject of a report may
7 receive a copy of all information, except that prohibited from
8 being disclosed by subsection (c), contained in the Statewide
9 [central register] database or in any report filed pursuant to
10 section 6313 (relating to reporting procedure).

11 (c) Protecting identity [of person making report].--Except
12 for reports [pursuant to] under subsection (a)(9) and (10), and
13 in response to a law enforcement agency investigating
14 allegations of false reports under 18 Pa.C.S. § 4906.1 (relating
15 to false reports of child abuse), the release of data that would
16 identify the person who made a report of suspected child abuse
17 or [the person] who cooperated in a subsequent investigation is
18 prohibited unless the [secretary] department finds that the
19 release will not be detrimental to the safety of [that] the
20 person. Law enforcement officials shall treat all reporting
21 sources as confidential informants.

22 (d) Exclusion of [administrative] information.--Information
23 maintained in the Statewide [central register which was]
24 database obtained from an investigating agency in relation to an
25 appeal request shall not be released to any person except a
26 department official[, as provided by regulation].

27 Section 5. This act shall take effect in 60 days.