

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 29 Session of 2013

INTRODUCED BY VANCE, KITCHEN, BAKER, TEPLITZ, ERICKSON, FONTANA, MENSCH, VULAKOVICH, WAUGH, HUGHES, RAFFERTY, TARTAGLIONE, COSTA, YUDICHAK, SOLOBAY, WASHINGTON, SCARNATI, BROWNE, PILEGGI, BOSCOLA AND SCHWANK, MARCH 15, 2013

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, AS AMENDED, OCTOBER 2, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child probation services, further
3 providing for definitions and for mandatory reporting of
4 infants.

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

7 Section 1. Section 6303(a) of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 6303. Definitions.

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

13 * * *

14 "Health care provider." A licensed hospital or health care
15 facility or person who is licensed, certified or otherwise
16 regulated to provide health care services under the laws of this
17 Commonwealth, including a physician, podiatrist, optometrist,

1 psychologist, physical therapist, certified nurse practitioner,
2 registered nurse, nurse midwife, physician's assistant,
3 chiropractor, dentist, pharmacist or an individual accredited or
4 certified to provide behavioral health services.

5 * * *

6 "SAFETY ASSESSMENT." A COMMONWEALTH-APPROVED SYSTEMATIC <--
7 PROCESS THAT ASSESSES A CHILD'S NEED FOR PROTECTION OR SERVICES
8 BASED ON THE THREAT TO THE SAFETY OF THE CHILD.

9 * * *

10 Section 2. Section 6386 of Title 23 is amended to read:

11 § 6386. [Mandatory reporting of infants born and identified as
12 being affected by illegal substance abuse.

13 Health care providers who are involved in the delivery or
14 care of an infant who is born and identified as being affected
15 by illegal substance abuse or as having withdrawal symptoms
16 resulting from prenatal drug exposure shall immediately cause a
17 report to be made to the appropriate county agency. The county
18 agency shall provide or arrange for appropriate services for the
19 infant.]

20 Mandatory reporting of ~~newborns~~ CHILDREN UNDER ONE YEAR OF AGE. <--

21 (a) When report to be made.--A health care provider shall
22 immediately make a report or cause a report to be made to the
23 appropriate county agency if the provider is involved in the
24 delivery or care of a ~~newborn~~ CHILD UNDER ONE YEAR OF AGE who is <--
25 born and identified as being affected by any of the following:

26 (1) Illegal substance abuse by the ~~newborn's~~ CHILD'S <--
27 mother.

28 (2) Withdrawal symptoms resulting from prenatal drug
29 exposure.

30 (3) A Fetal Alcohol Spectrum Disorder.

1 (b) Safety or risk assessment.--The county agency shall
2 perform a safety assessment or risk assessment, or both, for the
3 newborn CHILD and determine whether child protective services or <--
4 general protective services are warranted.

5 (c) County agency duties.--Upon receipt of a report under
6 this section, the county agency for the county where the newborn <--
7 CHILD resides shall: <--

8 (1) Contact the parents of the newborn within 24 hours <--
9 of receipt of the report.

10 (2) Physically see the newborn within 48 hours of
11 receipt of the report.

12 (3) If needed, develop a safety plan with the parents of
13 the newborn to ensure the immediate safety of the newborn and
14 the receipt of appropriate medical services by the newborn.

15 (4) Provide or arrange reasonable services to ensure the
16 newborn is provided with proper parental care, control and
17 supervision.

18 (1) IMMEDIATELY ENSURE THE SAFETY OF THE CHILD AND SEE <--
19 THE CHILD IMMEDIATELY IF EMERGENCY PROTECTIVE CUSTODY IS
20 REQUIRED OR HAS BEEN OR SHALL BE TAKEN OR IF IT CANNOT BE
21 DETERMINED FROM THE REPORT WHETHER EMERGENCY PROTECTIVE
22 CUSTODY IS NEEDED.

23 (2) PHYSICALLY SEE THE CHILD WITHIN 48 HOURS OF RECEIPT
24 OF THE REPORT.

25 (3) CONTACT THE PARENTS OF THE CHILD WITHIN 24 HOURS OF
26 RECEIPT OF THE REPORT.

27 (4) PROVIDE OR ARRANGE REASONABLE SERVICES TO ENSURE THE
28 CHILD IS PROVIDED WITH PROPER PARENTAL CARE, CONTROL AND
29 SUPERVISION.

30 Section 3. This act shall take effect in 60 days.