

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 31 Session of
2013

INTRODUCED BY FONTANA, FOLMER, WASHINGTON, ERICKSON, STACK,
BREWSTER, FERLO, TEPLITZ, BAKER, RAFFERTY, YUDICHAK, KASUNIC,
TARTAGLIONE, WILLIAMS, SMITH, FARNESE, WAUGH, MENSCH, HUGHES,
BROWNE, WARD, VANCE, PILEGGI, BOSCOLA, COSTA, ALLOWAY,
SCHWANK, DINNIMAN AND BLAKE, MARCH 15, 2013

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 12, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, AND for persons required to report <--
4 suspected child abuse and for reporting procedure; and <--
5 repealing provisions relating to definitions, school
6 employees, administration, investigation, responsibilities of
7 county agency for child protective services and report
8 information; AND FURTHER PROVIDING FOR SERVICES FOR <--
9 PREVENTION, INVESTIGATION AND TREATMENT OF CHILD ABUSE.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. The definitions of "founded report," "founded~~ <--
13 ~~report for school employee," "general protective services,"~~
14 ~~"indicated report," "indicated report for school employee,"~~
15 ~~"individual residing in the same home as the child," "near~~
16 ~~fatality" and "school employee" in section 6303(a) of Title 23~~
17 ~~of the Pennsylvania Consolidated Statutes are amended and the~~
18 ~~subsection is amended by adding definitions to read:~~

1 SECTION 1. THE DEFINITIONS OF "BODILY INJURY," "FOUNDED <--
2 REPORT," "GENERAL PROTECTIVE SERVICES," "INDICATED REPORT FOR
3 SCHOOL EMPLOYEE," "INDIVIDUAL RESIDING IN THE SAME HOME AS THE
4 CHILD," "NEAR FATALITY" AND "SCHOOL EMPLOYEE" IN SECTION 6303(A)
5 OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED
6 DECEMBER 18, 2013 (P.L.1195, NO.117), ARE AMENDED AND THE
7 SUBSECTION 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 ["BODILY INJURY." IMPAIRMENT OF PHYSICAL CONDITION OR <--
14 SUBSTANTIAL PAIN.]

15 "Bodily injury." Impairment of physical condition or
16 substantial pain.

17 * * * <--

18 ~~"Disability." The term shall have the same meaning as the~~
19 ~~term is given in section 3 of the Americans with Disabilities~~
20 ~~Act of 1990 (Public Law 101 336, 42 U.S.C. § 12102(2)).~~

21 * * *

22 ~~"Founded report." [A child abuse report made pursuant to~~
23 ~~this chapter if there has been any judicial adjudication based~~
24 ~~on a finding that a child who is a subject of the report has~~
25 ~~been abused, including the entry of a plea of guilty or nolo~~
26 ~~contendere or a finding of guilt to a criminal charge involving~~
27 ~~the same factual circumstances involved in the allegation of~~
28 ~~child abuse.] A child abuse report involving a perpetrator that~~
29 ~~is made pursuant to this chapter, if any of the following~~
30 ~~applies:~~

1 ~~(1) There has been a judicial adjudication based on a~~
2 ~~finding that a child who is a subject of the report has been~~
3 ~~abused and the adjudication involves the same factual~~
4 ~~circumstances involved in the allegation of child abuse. The~~
5 ~~judicial adjudication may include any of the following:~~

6 ~~(i) The entry of a plea of guilty or nolo~~
7 ~~contendere.~~

8 ~~(ii) A finding of guilt to a criminal charge.~~

9 ~~(iii) A finding of dependency under 42 Pa.C.S. §~~
10 ~~6341 (relating to adjudication) if the court has entered~~
11 ~~a finding that a child who is the subject of the report~~
12 ~~has been abused.~~

13 ~~(iv) A finding of delinquency under 42 Pa.C.S. §~~
14 ~~6341 if the court has entered a finding that the child~~
15 ~~who is the subject of the report has been abused by the~~
16 ~~child who was found to be delinquent.~~

17 ~~(2) There has been an acceptance into an accelerated~~
18 ~~rehabilitative disposition program and the reason for the~~
19 ~~acceptance involves the same factual circumstances involved~~
20 ~~in the allegation of child abuse.~~

21 ~~(3) There has been a consent decree entered in a~~
22 ~~juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to~~
23 ~~juvenile matters), the decree involves the same factual~~
24 ~~circumstances involved in the allegation of child abuse, and~~
25 ~~the terms and conditions thereof include an acknowledgment,~~
26 ~~admission or finding that a child who is the subject of the~~
27 ~~report has been abused by the child who is alleged to be~~
28 ~~delinquent.~~

29 ~~(4) A final protection from abuse order has been granted~~
30 ~~under section 6108 (relating to relief), when the child who~~

~~is a subject of the report is also one of the individuals
protected under the protection from abuse order and:~~

~~(i) only one individual is charged with the abuse in
the protection from abuse action;~~

~~(ii) only that individual defends against the
charge; and~~

~~(iii) the protection from abuse adjudication finds
that the abuse occurred and restricts visitation to
include supervised custody or prohibits further contact
between the individual and the child.~~

~~["Founded report for school employee." A report under
Subchapter C.1 (relating to students in public and private
schools) if there has been any judicial adjudication based on a
finding that the victim has suffered serious bodily injury or
sexual abuse or exploitation, including the entry of a plea of
guilty or nolo contendere or a finding of guilt to a criminal
charge involving the same factual circumstances involved in the
allegations of the report.]~~

"FOUNDED REPORT." A CHILD ABUSE REPORT INVOLVING A
PERPETRATOR THAT IS MADE PURSUANT TO THIS CHAPTER, IF ANY OF THE
FOLLOWING APPLIES:

(1) THERE HAS BEEN A JUDICIAL ADJUDICATION BASED ON A
FINDING THAT A CHILD WHO IS A SUBJECT OF THE REPORT HAS BEEN
ABUSED AND THE ADJUDICATION INVOLVES THE SAME FACTUAL
CIRCUMSTANCES INVOLVED IN THE ALLEGATION OF CHILD ABUSE. THE
JUDICIAL ADJUDICATION MAY INCLUDE ANY OF THE FOLLOWING:

(I) THE ENTRY OF A PLEA OF GUILTY OR NOLO
CONTENDERE.

(II) A FINDING OF GUILT TO A CRIMINAL CHARGE.

(III) A FINDING OF DEPENDENCY UNDER 42 PA.C.S. §

<--

1 6341 (RELATING TO ADJUDICATION) IF THE COURT HAS ENTERED
2 A FINDING THAT A CHILD WHO IS THE SUBJECT OF THE REPORT
3 HAS BEEN ABUSED.

4 (IV) A FINDING OF DELINQUENCY UNDER 42 PA.C.S. §
5 6341 IF THE COURT HAS ENTERED A FINDING THAT THE CHILD
6 WHO IS THE SUBJECT OF THE REPORT HAS BEEN ABUSED BY THE
7 CHILD WHO WAS FOUND TO BE DELINQUENT.

8 (2) THERE HAS BEEN AN ACCEPTANCE INTO AN ACCELERATED
9 REHABILITATIVE DISPOSITION PROGRAM AND THE REASON FOR THE
10 ACCEPTANCE INVOLVES THE SAME FACTUAL CIRCUMSTANCES INVOLVED
11 IN THE ALLEGATION OF CHILD ABUSE.

12 (3) THERE HAS BEEN A CONSENT DECREE ENTERED IN A
13 JUVENILE PROCEEDING UNDER 42 PA.C.S. CH. 63 (RELATING TO
14 JUVENILE MATTERS), THE DECREE INVOLVES THE SAME FACTUAL
15 CIRCUMSTANCES INVOLVED IN THE ALLEGATION OF CHILD ABUSE AND
16 THE TERMS AND CONDITIONS OF THE [ALLEGATION] CONSENT DECREE
17 INCLUDE AN ACKNOWLEDGMENT, ADMISSION OR FINDING THAT A CHILD
18 WHO IS THE SUBJECT OF THE REPORT HAS BEEN ABUSED BY THE CHILD
19 WHO IS ALLEGED TO BE DELINQUENT.

20 (4) A FINAL PROTECTION FROM ABUSE ORDER HAS BEEN GRANTED
21 UNDER SECTION 6108 (RELATING TO RELIEF), WHEN THE CHILD WHO
22 IS A SUBJECT OF THE REPORT IS ONE OF THE INDIVIDUALS
23 PROTECTED UNDER THE PROTECTION FROM ABUSE ORDER AND:

24 (I) ONLY ONE INDIVIDUAL IS CHARGED WITH THE ABUSE IN
25 THE PROTECTION FROM ABUSE ACTION;

26 (II) ONLY THAT INDIVIDUAL DEFENDS AGAINST THE
27 CHARGE;

28 (III) THE ADJUDICATION INVOLVES THE SAME FACTUAL
29 CIRCUMSTANCES INVOLVED IN THE ALLEGATION OF CHILD ABUSE;
30 AND

1 (IV) THE PROTECTION FROM ABUSE ADJUDICATION FINDS

2 THAT THE CHILD ABUSE OCCURRED.

3 * * *

4 "General protective services." Those services and activities
5 provided by each county agency for [nonabuse] cases requiring
6 protective services, as defined by the [Department of Public
7 Welfare] department in regulations.

8 ~~"Indicated report." [A child abuse report made pursuant to~~ <--
9 ~~this chapter if an investigation by the county agency or the~~
10 ~~Department of Public Welfare determines that substantial~~
11 ~~evidence of the alleged abuse exists based on any of the~~
12 ~~following:~~

13 ~~(1) Available medical evidence.~~

14 ~~(2) The child protective service investigation.~~

15 ~~(3) An admission of the acts of abuse by the~~
16 ~~perpetrator.]~~

17 ~~(1) Subject to paragraphs (2) and (3), a report of child~~
18 ~~abuse made pursuant to this chapter if an investigation by~~
19 ~~the department or county agency determines that substantial~~
20 ~~evidence of the alleged abuse by a perpetrator exists based~~
21 ~~on any of the following:~~

22 ~~(i) Available medical evidence.~~

23 ~~(ii) The child protective service investigation.~~

24 ~~(iii) An admission of the acts of abuse by the~~
25 ~~perpetrator.~~

26 ~~(2) A report may be indicated under paragraph (1) (i) or~~
27 ~~(ii) for any child in need of child protective services,~~
28 ~~regardless of the number of alleged perpetrators or the~~
29 ~~inability to identify the specific perpetrator among two or~~
30 ~~more alleged perpetrators.~~

1 ~~(3) A report may be indicated by a county agency under~~
2 ~~paragraph (1) only upon the approval of the county agency~~
3 ~~administrator, or designee, and a county agency solicitor.~~

4 ~~(4) A report may be indicated by the department under~~
5 ~~paragraph (1) only upon approval of the secretary, or~~
6 ~~designee, and legal counsel for the department.~~

7 ["Indicated report for school employee." A report made under
8 Subchapter C.1 (relating to students in public and private
9 schools) if an investigation by the county agency determines
10 that substantial evidence of serious bodily injury or sexual
11 abuse or exploitation exists based on any of the following:

12 (1) Available medical evidence.

13 (2) The county agency's investigation.

14 (3) An admission of the acts of abuse by the school
15 employee.

16 "Individual residing in the same home as the child." An
17 individual who is 14 years of age or older and who resides in
18 the same home as the child.]

19 ~~"Independent contractor." An individual who provides a~~ <--
20 ~~program, activity or service to an agency, institution,~~
21 ~~organization or other entity, including a school or regularly~~
22 ~~established religious organization, that is responsible for the~~
23 ~~care, supervision, guidance or control of children. The term~~
24 ~~does not include an individual who has no direct contact with~~
25 ~~children.~~

26 ~~"Mandated reporter." A person who is required by this~~
27 ~~chapter to make a report of suspected child abuse.~~

28 "Near fatality." [An act that, as certified by a physician,
29 places a child in serious or critical condition.] A child's
30 serious or critical condition, as certified by a physician,

1 where that child is a subject of the report of child abuse.

2 * * *

3 "School." A facility providing elementary, secondary or
4 postsecondary educational services. The term includes the
5 following:

6 (1) Any school of a school district.

7 (2) An area vocational-technical school.

8 (3) A joint school.

9 (4) An intermediate unit.

10 (5) A charter school or regional charter school.

11 (6) A cyber charter school.

12 (7) A private school licensed under the act of January
13 28, 1988 (P.L.24, No.11), known as the Private Academic
14 Schools Act.

15 (8) A private school accredited by an accrediting
16 association approved by the State Board of Education.

17 (9) A nonpublic school.

18 (10) A community college which is an institution now or
19 hereafter created pursuant to Article XIX-A of the act of
20 March 10, 1949 (P.L.30, No.14), known as the Public School
21 Code of 1949, or the former act of August 24, 1963 (P.L.1132,
22 No.484), known as the Community College Act of 1963.

23 (11) An independent institution of higher education
24 which is an institution of higher education which is operated
25 not for profit, located in and incorporated or chartered by
26 the Commonwealth, entitled to confer degrees as set forth in
27 24 Pa.C.S. § 6505 (relating to power to confer degrees) and
28 entitled to apply to itself the designation "college" or
29 "university" as provided for by standards and qualifications
30 prescribed by the State Board of Education pursuant to 24

1 Pa.C.S. Ch. 65 (relating to private colleges, universities
2 and seminaries).

3 (12) A State-owned university.

4 (13) A State-related university.

5 (14) A private school licensed under the act of December
6 15, 1986 (P.L.1585, No.174), known as the Private Licensed
7 Schools Act.

8 (15) Hiram G. Andrews Center.

9 (16) A private residential rehabilitative institution as
10 defined in section 914.1-A(c) of the Public School Code of
11 1949.

12 "School employee." An individual who is employed by a
13 [public or private school, intermediate unit or area vocational-
14 technical] school or who provides a program, activity or service
15 in SPONSORED BY a school. The term includes an independent <--
16 contractor [and employees]. †The term excludes an individual who <--
17 has no direct contact with [students] CHILDREN. † <--

18 * * *

19 Section 2. Section ~~6311~~ 6311(C) of Title 23 is amended to <--
20 read:

21 § 6311. †Persons required to report suspected child abuse. <--

22 ~~(a) General rule. A person who, in the course of~~ <--
23 ~~employment, occupation or practice of a profession, comes into~~
24 ~~contact with children shall report or cause a report to be made~~
25 ~~in accordance with section 6313 (relating to reporting~~
26 ~~procedure) when the person has reasonable cause to suspect, on~~
27 ~~the basis of medical, professional or other training and~~
28 ~~experience, that a child under the care, supervision, guidance~~
29 ~~or training of that person or of an agency, institution,~~
30 ~~organization or other entity with which that person is~~

1 ~~affiliated is a victim of child abuse, including child abuse by~~
2 ~~an individual who is not a perpetrator. Except with respect to~~
3 ~~confidential communications made to a member of the clergy which~~
4 ~~are protected under 42 Pa.C.S. § 5943 (relating to confidential~~
5 ~~communications to clergymen), and except with respect to~~
6 ~~confidential communications made to an attorney which are~~
7 ~~protected by 42 Pa.C.S. § 5916 (relating to confidential~~
8 ~~communications to attorney) or 5928 (relating to confidential~~
9 ~~communications to attorney), the privileged communication~~
10 ~~between any professional person required to report and the~~
11 ~~patient or client of that person shall not apply to situations~~
12 ~~involving child abuse and shall not constitute grounds for~~
13 ~~failure to report as required by this chapter.~~

14 ~~(b) Enumeration of persons required to report. Persons~~
15 ~~required to report under subsection (a) include, but are not~~
16 ~~limited to, any licensed physician, osteopath, medical examiner,~~
17 ~~coroner, funeral director, dentist, optometrist, chiropractor,~~
18 ~~podiatrist, intern, registered nurse, licensed practical nurse,~~
19 ~~hospital personnel engaged in the admission, examination, care~~
20 ~~or treatment of persons, Christian Science practitioner, member~~
21 ~~of the clergy, school administrator, school teacher, school~~
22 ~~nurse, social services worker, day care center worker or any~~
23 ~~other child care or foster care worker, mental health~~
24 ~~professional, peace officer or law enforcement official.~~

25 * * *

<--

26 (c) Staff members of institutions, etc.--Whenever a person
27 is required to report under subsection (b) in the capacity as a
28 member of the staff of a medical or other public or private
29 institution, school, facility or agency, that person shall
30 REPORT IMMEDIATELY IN ACCORDANCE WITH SECTION 6313 AND SHALL

<--

1 immediately THEREAFTER notify the person in charge of the <--
2 institution, school, facility or agency or the designated agent
3 of the person in charge. Upon notification, the person in charge
4 or the designated agent, if any, shall [assume the <--
5 responsibility and have the legal obligation to report or cause
6 a report to be made in accordance with section 6313.] FACILITATE <--
7 THE COOPERATION OF THE INSTITUTION, SCHOOL, FACILITY OR AGENCY
8 WITH THE INVESTIGATION OF THE REPORT. ANY INTIMIDATION,
9 RETALIATION OR OBSTRUCTION IN THE INVESTIGATION OF THE REPORT IS
10 SUBJECT TO THE PROVISIONS OF 18 PA.C.S. § 4958 (RELATING TO
11 INTIMIDATION, RETALIATION OR OBSTRUCTION IN CHILD ABUSE CASES).

12 This chapter does not require more than one report from any such
13 institution, school, facility or agency.

14 ~~(d) Civil action for discrimination against person filing <--~~
15 ~~report. Any person who, under this section, is required to~~
16 ~~report or cause a report of suspected child abuse to be made and~~
17 ~~who, in good faith, makes or causes the report to be made and,~~
18 ~~as a result thereof, is discharged from his employment or in any~~
19 ~~other manner is discriminated against with respect to~~
20 ~~compensation, hire, tenure, terms, conditions or privileges of~~
21 ~~employment, may commence an action in the court of common pleas~~
22 ~~of the county in which the alleged unlawful discharge or~~
23 ~~discrimination occurred for appropriate relief. If the court~~
24 ~~finds that the person is an individual who, under this section,~~
25 ~~is required to report or cause a report of suspected child abuse~~
26 ~~to be made and who, in good faith, made or caused to be made a~~
27 ~~report of suspected child abuse and, as a result thereof, was~~
28 ~~discharged or discriminated against with respect to~~
29 ~~compensation, hire, tenure, terms, conditions or privileges of~~
30 ~~employment, it may issue an order granting appropriate relief,~~

1 ~~including, but not limited to, reinstatement with back pay. The~~
2 ~~department may intervene in any action commenced under this~~
3 ~~subsection.] (Reserved).~~

4 * * * <--

5 ~~Section 2.1. Title 23 is amended by adding a section to~~ <--
6 ~~read:~~

7 ~~§ 6311.1. Mandated Reporters.~~

8 ~~The following adults shall make a report of suspected child~~
9 ~~abuse if the person has reasonable cause to suspect that a child~~
10 ~~is a victim of child abuse:~~

11 ~~(1) A person licensed or certified to practice in any~~
12 ~~health related field under the jurisdiction of the Department~~
13 ~~of State.~~

14 ~~(2) A medical examiner, coroner or funeral director.~~

15 ~~(3) An employee of a health care facility or provider~~
16 ~~licensed by the Department of Health engaged in the~~
17 ~~admission, examination, care or treatment of individuals.~~

18 ~~(4) A school administrator, teacher, nurse, guidance~~
19 ~~counselor, coach or other school employee.~~

20 ~~(5) A child care services provider.~~

21 ~~(6) A clergyman, priest, rabbi, minister, Christian~~
22 ~~Science practitioner, religious healer or spiritual leader of~~
23 ~~any regularly established church or other religious~~
24 ~~organization.~~

25 ~~(7) An individual paid or unpaid, who, on the basis of~~
26 ~~the individual's role as an integral part of a regularly~~
27 ~~scheduled program, activity or service, accepts~~
28 ~~responsibility for a child.~~

29 ~~(8) A social services worker.~~

30 ~~(9) A peace officer or law enforcement official.~~

1 ~~(10) An emergency medical services provider certified by~~
2 ~~the Department of Health.~~

3 ~~(11) An individual supervised or managed by a person~~
4 ~~listed under paragraph (1), (2), (3), (4), (5), (6), (7),~~
5 ~~(8), (9) or (10), who has direct contact with children in the~~
6 ~~course of employment.~~

7 ~~(12) An independent contractor.~~

8 Section 2.2. Section 6313 of Title 23 is amended to read:

9 ~~§ 6313. Reporting procedure.~~

10 ~~{(a) General rule. Reports from persons required to report~~
11 ~~under section 6311 (relating to persons required to report~~
12 ~~suspected child abuse) shall be made immediately by telephone~~
13 ~~and in writing within 48 hours after the oral report.~~

14 ~~(b) Oral reports. Oral reports shall be made to the~~
15 ~~department pursuant to Subchapter C (relating to powers and~~
16 ~~duties of department) and may be made to the appropriate county~~
17 ~~agency. When oral reports of suspected child abuse are initially~~
18 ~~received at the county agency, the protective services staff~~
19 ~~shall, after seeing to the immediate safety of the child and~~
20 ~~other children in the home, immediately notify the department of~~
21 ~~the receipt of the report, which is to be held in the pending~~
22 ~~complaint file as provided in Subchapter C. The initial child~~
23 ~~abuse report summary shall be supplemented with a written report~~
24 ~~when a determination is made as to whether a report of suspected~~
25 ~~child abuse is a founded report, an unfounded report or an~~
26 ~~indicated report.~~

27 ~~(c) Written reports. Written reports from persons required~~
28 ~~to report under section 6311 shall be made to the appropriate~~
29 ~~county agency in a manner and on forms the department prescribes~~
30 ~~by regulation. The written reports shall include the following~~

1 ~~information if available:~~

2 ~~(1) The names and addresses of the child and the parents~~
3 ~~or other person responsible for the care of the child if~~
4 ~~known.~~

5 ~~(2) Where the suspected abuse occurred.~~

6 ~~(3) The age and sex of the subjects of the report.~~

7 ~~(4) The nature and extent of the suspected child abuse,~~
8 ~~including any evidence of prior abuse to the child or~~
9 ~~siblings of the child.~~

10 ~~(5) The name and relationship of the person or persons~~
11 ~~responsible for causing the suspected abuse, if known, and~~
12 ~~any evidence of prior abuse by that person or persons.~~

13 ~~(6) Family composition.~~

14 ~~(7) The source of the report.~~

15 ~~(8) The person making the report and where that person~~
16 ~~can be reached.~~

17 ~~(9) The actions taken by the reporting source, including~~
18 ~~the taking of photographs and X rays, removal or keeping of~~
19 ~~the child or notifying the medical examiner or coroner.~~

20 ~~(10) Any other information which the department may~~
21 ~~require by regulation.~~

22 ~~(d) Failure to confirm oral report. The failure of a person~~
23 ~~reporting cases of suspected child abuse to confirm an oral~~
24 ~~report in writing within 48 hours shall not relieve the county~~
25 ~~agency from any duties prescribed by this chapter. In such~~
26 ~~event, the county agency shall proceed as if a written report~~
27 ~~were actually made.]~~

28 ~~(a) Report by mandated reporter.~~

29 ~~(1) A mandated reporter shall immediately make an oral~~
30 ~~report of suspected child abuse to the department via the~~

~~Statewide toll free telephone number under section 6332
(relating to establishment of Statewide toll free telephone
number) or a written report using electronic technologies
under section 6304 (relating to electronic reporting).~~

~~(2) A mandated reporter making an oral report under
paragraph (1) of suspected child abuse shall also make a
written report, which may be submitted electronically, within
48 hours to the department or county agency assigned to the
case in a manner and format prescribed by the department.~~

~~(3) The failure of the mandated reporter to file the
report under paragraph (2) shall not relieve the county
agency from any duty under this chapter, and the county
agency shall proceed as though the mandated reporter complied
with paragraph (2).~~

~~(4) A mandated reporter making a report shall notify
immediately thereafter the person in charge of the
institution, school, facility or agency or the designated
agent of the person in charge.~~

~~(b) Contents of report. A written report of suspected child
abuse, which may be submitted electronically, shall include the
following information, if known:~~

~~(1) The names and addresses of the child, the child's
parents and any other person responsible for the child's
welfare.~~

~~(2) Where the suspected abuse occurred.~~

~~(3) The age and sex of each subject of the report.~~

~~(4) The nature and extent of the suspected child abuse,
including any evidence of prior abuse to the child or any
sibling of the child.~~

~~(5) The name and relationship of each individual~~

~~responsible for causing the suspected abuse and any evidence of prior abuse by each individual.~~

~~(6) Family composition.~~

~~(7) The source of the report.~~

~~(8) The person making the report and where that person can be reached.~~

~~(9) The actions taken by the person making the report, including those actions taken under section 6314 (relating to photographs, medical tests and X rays of child subject to report), 6315 (relating to taking child into protective custody), 6316 (relating to admission to private and public hospitals) or 6317 (relating to mandatory reporting and postmortem investigation of deaths).~~

~~(10) Any other information required by Federal law or regulation.~~

~~(11) Any other information that the department requires by regulation.~~

~~Section 3. Subchapter C.1 of Chapter 63 of Title 23 is repealed:~~

~~{SUBCHAPTER C.1~~

~~STUDENTS IN PUBLIC AND PRIVATE SCHOOLS~~

~~Sec.~~

~~6351. Definitions.~~

~~6352. School employees.~~

~~6353. Administration.~~

~~6353.1. Investigation.~~

~~6353.2. Responsibilities of county agency.~~

~~6353.3. Information in Statewide central register.~~

~~6353.4. Other provisions.~~

~~§ 6351. Definitions.~~

1 ~~The following words and phrases when used in this subchapter~~
2 ~~shall have the meanings given to them in this section unless the~~
3 ~~context clearly indicates otherwise:~~

4 ~~"Administrator." The person responsible for the~~
5 ~~administration of a public or private school, intermediate unit~~
6 ~~or area vocational technical school. The term includes an~~
7 ~~independent contractor.~~

8 ~~§ 6352. School employees.~~

9 ~~(a) Requirement.~~

10 ~~(1) Except as provided in paragraph (2), a school~~
11 ~~employee who has reasonable cause to suspect, on the basis of~~
12 ~~professional or other training and experience, that a student~~
13 ~~coming before the school employee in the employee's~~
14 ~~professional or official capacity is a victim of serious~~
15 ~~bodily injury or sexual abuse or sexual exploitation by a~~
16 ~~school employee shall immediately contact the administrator.~~

17 ~~(2) If the school employee accused of seriously injuring~~
18 ~~or sexually abusing or exploiting a student is the~~
19 ~~administrator, the school employee who has reasonable cause~~
20 ~~to suspect, on the basis of professional or other training~~
21 ~~and experience, that a student coming before the school~~
22 ~~employee in the employee's professional or official capacity~~
23 ~~is a victim of serious bodily injury or sexual abuse or~~
24 ~~sexual exploitation shall immediately report to law~~
25 ~~enforcement officials and the district attorney under section~~
26 ~~6353(a) (relating to administration). If an administrator is~~
27 ~~the school employee who suspects injury or abuse, the~~
28 ~~administrator shall make a report under section 6353(a).~~

29 ~~(3) The school employee may not reveal the existence or~~
30 ~~content of the report to any other person.~~

1 ~~(b) Immunity. A school employee who refers a report under~~
2 ~~subsection (a) shall be immune from civil and criminal liability~~
3 ~~arising out of the report.~~

4 ~~(c) Criminal penalty.~~

5 ~~(1) A school employee who willfully violates subsection~~
6 ~~(a) commits a summary offense.~~

7 ~~(2) A school employee who, after being sentenced under~~
8 ~~paragraph (1), violates subsection (a) commits a misdemeanor~~
9 ~~of the third degree.~~

10 ~~§ 6353. Administration.~~

11 ~~(a) Requirement. An administrator and a school employee~~
12 ~~governed by section 6352(a)(2) (relating to school employees)~~
13 ~~shall report immediately to law enforcement officials and the~~
14 ~~appropriate district attorney any report of serious bodily~~
15 ~~injury or sexual abuse or sexual exploitation alleged to have~~
16 ~~been committed by a school employee against a student.~~

17 ~~(b) Report. A report under subsection (a) shall include the~~
18 ~~following information:~~

19 ~~(1) Name, age, address and school of the student.~~

20 ~~(2) Name and address of the student's parent or~~
21 ~~guardian.~~

22 ~~(3) Name and address of the administrator.~~

23 ~~(4) Name, work and home address of the school employee.~~

24 ~~(5) Nature of the alleged offense.~~

25 ~~(6) Any specific comments or observations that are~~
26 ~~directly related to the alleged incident and the individuals~~
27 ~~involved.~~

28 ~~(c) Immunity. An administrator who makes a report under~~
29 ~~subsection (a) shall be immune from civil or criminal liability~~
30 ~~arising out of the report.~~

1 ~~(d) Criminal penalty. An administrator who willfully~~
2 ~~violates subsection (a) commits a misdemeanor of the third~~
3 ~~degree.~~

4 ~~§ 6353.1. Investigation.~~

5 ~~(a) General rule. Upon receipt of a report under section~~
6 ~~6353 (relating to administration), an investigation shall be~~
7 ~~conducted by law enforcement officials, in cooperation with the~~
8 ~~district attorney, and a determination made as to what criminal~~
9 ~~charges, if any, will be filed against the school employee.~~

10 ~~(b) Referral to county agency.~~

11 ~~(1) If local law enforcement officials have reasonable~~
12 ~~cause to suspect on the basis of initial review that there is~~
13 ~~evidence of serious bodily injury, sexual abuse or sexual~~
14 ~~exploitation committed by a school employee against a~~
15 ~~student, local law enforcement officials shall notify the~~
16 ~~county agency in the county where the alleged abuse or injury~~
17 ~~occurred for the purpose of the agency conducting an~~
18 ~~investigation of the alleged abuse or injury.~~

19 ~~(2) To the fullest extent possible, law enforcement~~
20 ~~officials and the county agency shall coordinate their~~
21 ~~respective investigations. In respect to interviews with the~~
22 ~~student, law enforcement officials and the county agency~~
23 ~~shall conduct joint interviews. In respect to interviews with~~
24 ~~the school employee, law enforcement officials shall be given~~
25 ~~an opportunity to interview the school employee prior to the~~
26 ~~employee having any contact with the county agency.~~

27 ~~(3) The county agency and law enforcement officials have~~
28 ~~the authority to arrange for photographs, medical tests or X-~~
29 ~~rays of a student alleged to have been abused or injured by a~~
30 ~~school employee. The county agency and law enforcement~~

1 ~~officials shall coordinate their efforts in this regard and,~~
2 ~~to the fullest extent possible, avoid the duplication of any~~
3 ~~photographs, medical tests or X rays.~~

4 ~~(4) Law enforcement officials and the county agency~~
5 ~~shall advise each other of the status and findings of their~~
6 ~~respective investigations on an ongoing basis.~~

7 ~~§ 6353.2. Responsibilities of county agency.~~

8 ~~(a) Information for the pending complaint file. Immediately~~
9 ~~after receiving a report under section 6353.1 (relating to~~
10 ~~investigation), the county agency shall notify the department of~~
11 ~~the receipt of the report, which is to be filed in the pending~~
12 ~~complaint file as provided in section 6331(1) (relating to~~
13 ~~establishment of pending complaint file, Statewide central~~
14 ~~register and file of unfounded reports). The oral report shall~~
15 ~~include the following information:~~

16 ~~(1) The name and address of the student and the~~
17 ~~student's parent or guardian.~~

18 ~~(2) Where the suspected abuse or injury occurred.~~

19 ~~(3) The age and sex of the student.~~

20 ~~(4) The nature and extent of the suspected abuse or~~
21 ~~injury.~~

22 ~~(5) The name and home address of the school employee~~
23 ~~alleged to have committed the abuse or injury.~~

24 ~~(6) The relationship of the student to the school~~
25 ~~employee alleged to have committed the abuse or injury.~~

26 ~~(7) The source of the report to the county agency.~~

27 ~~(8) The actions taken by the county agency, law~~
28 ~~enforcement officials, parents, guardians, school officials~~
29 ~~or other persons, including the taking of photographs,~~
30 ~~medical tests and X rays.~~

1 ~~(b) Investigation of reports. Upon receipt of a report~~
2 ~~under section 6353.1, the county agency shall commence, within~~
3 ~~the time frames established in department regulations, an~~
4 ~~investigation of the nature, extent and cause of any alleged~~
5 ~~abuse or injury enumerated in the report. The county agency~~
6 ~~shall coordinate its investigation to the fullest extent~~
7 ~~possible with law enforcement officials as provided in section~~
8 ~~6353.1(b).~~

9 ~~(c) Completion of investigation. The investigation by the~~
10 ~~county agency to determine whether the report is an indicated~~
11 ~~report for school employee or an unfounded report shall be~~
12 ~~completed within 60 days.~~

13 ~~(d) Notice to subject of a report. Prior to interviewing a~~
14 ~~subject of the report, the county agency shall orally notify the~~
15 ~~subject of the report of the existence of the report and the~~
16 ~~subject's rights under this chapter in regard to amendment or~~
17 ~~expungement. Within 72 hours following oral notification to the~~
18 ~~subject, the county agency shall give written notice to the~~
19 ~~subject. The notice may be reasonably delayed if notification is~~
20 ~~likely to threaten the safety of the student or the county~~
21 ~~agency worker, to cause the school employee to abscond or to~~
22 ~~significantly interfere with the conduct of a criminal~~
23 ~~investigation.~~

24 ~~(e) Reliance on factual investigation. The county agency~~
25 ~~may rely on a factual investigation of substantially the same~~
26 ~~allegations by a law enforcement officials to support the~~
27 ~~agency's finding. This reliance shall not relieve the county~~
28 ~~agency of its responsibilities relating to the investigation of~~
29 ~~reports under this subchapter.~~

30 ~~(f) Notice to the department of the county agency's~~

1 ~~determination. As soon as the county agency has completed its~~
2 ~~investigation, the county agency shall advise the department and~~
3 ~~law enforcement officials of its determination of the report as~~
4 ~~an indicated report for school employee or an unfounded report.~~
5 ~~Supplemental reports shall be made at regular intervals~~
6 ~~thereafter in a manner and form the department prescribes by~~
7 ~~regulation to the end that the department is kept fully informed~~
8 ~~and up to date concerning the status of the report.~~

9 ~~§ 6353.3. Information in Statewide central register.~~

10 ~~The Statewide central register established under section 6331-~~
11 ~~(relating to establishment of pending complaint file, Statewide~~
12 ~~central register and file of unfounded reports) shall retain~~
13 ~~only the following information relating to reports of abuse or~~
14 ~~injury of a student by a school employee which have been~~
15 ~~determined to be a founded report for school employee or an~~
16 ~~indicated report for school employee:~~

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

19 ~~(2) The home address of the subjects of the report.~~

20 ~~(3) The date and the nature and extent of the alleged~~
21 ~~abuse or injury.~~

22 ~~(4) The county and state where the abuse or injury~~
23 ~~occurred.~~

24 ~~(5) Factors contributing to the abuse or injury.~~

25 ~~(6) The source of the report.~~

26 ~~(7) Whether the report is a founded or indicated report.~~

27 ~~(8) Information obtained by the department in relation~~
28 ~~to the school employee's request to release, amend or expunge~~
29 ~~information retained by the department or the county agency.~~

30 ~~(9) The progress of any legal proceedings brought on the~~

1 ~~basis of the report.~~

2 ~~(10) Whether a criminal investigation has been~~
3 ~~undertaken and the result of the investigation and of any~~
4 ~~criminal prosecution.~~

5 ~~§ 6353.4. Other provisions.~~

6 ~~The following provisions shall apply to the release and~~
7 ~~retention of information by the department and the county agency~~
8 ~~concerning reports of abuse or injury committed by a school~~
9 ~~employee as provided by this subchapter:~~

10 ~~Section 6336(b) and (c) (relating to information in Statewide~~
11 ~~central register).~~

12 ~~Section 6337 (relating to disposition of unfounded reports).~~

13 ~~Section 6338(a) and (b) (relating to disposition of founded~~
14 ~~and indicated reports).~~

15 ~~Section 6339 (relating to confidentiality of reports).~~

16 ~~Section 6340 (relating to release of information in~~
17 ~~confidential reports).~~

18 ~~Section 6341(a) through (f) (relating to amendment or~~
19 ~~expunction of information).~~

20 ~~Section 6342 (relating to studies of data in records).]~~

21 SECTION 3. SUBCHAPTER C.1 HEADING OF CHAPTER 63 OF TITLE 23 <--
22 IS REPEALED:

23 [SUBCHAPTER C.1

24 STUDENTS IN PUBLIC AND PRIVATE SCHOOLS]

25 SECTION 4. SECTIONS 6351, 6352, 6353 AND 6353.1 OF TITLE 23
26 ARE REPEALED:

27 [§ 6351. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "ADMINISTRATOR." THE PERSON RESPONSIBLE FOR THE
2 ADMINISTRATION OF A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT
3 OR AREA VOCATIONAL-TECHNICAL SCHOOL. THE TERM INCLUDES AN
4 INDEPENDENT CONTRACTOR.

5 § 6352. SCHOOL EMPLOYEES.

6 (A) REQUIREMENT.--

7 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A SCHOOL
8 EMPLOYEE WHO HAS REASONABLE CAUSE TO SUSPECT, ON THE BASIS OF
9 PROFESSIONAL OR OTHER TRAINING AND EXPERIENCE, THAT A STUDENT
10 COMING BEFORE THE SCHOOL EMPLOYEE IN THE EMPLOYEE'S
11 PROFESSIONAL OR OFFICIAL CAPACITY IS A VICTIM OF SERIOUS
12 BODILY INJURY OR SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A
13 SCHOOL EMPLOYEE SHALL IMMEDIATELY CONTACT THE ADMINISTRATOR.

14 (2) IF THE SCHOOL EMPLOYEE ACCUSED OF SERIOUSLY INJURING
15 OR SEXUALLY ABUSING OR EXPLOITING A STUDENT IS THE
16 ADMINISTRATOR, THE SCHOOL EMPLOYEE WHO HAS REASONABLE CAUSE
17 TO SUSPECT, ON THE BASIS OF PROFESSIONAL OR OTHER TRAINING
18 AND EXPERIENCE, THAT A STUDENT COMING BEFORE THE SCHOOL
19 EMPLOYEE IN THE EMPLOYEE'S PROFESSIONAL OR OFFICIAL CAPACITY
20 IS A VICTIM OF SERIOUS BODILY INJURY OR SEXUAL ABUSE OR
21 SEXUAL EXPLOITATION SHALL IMMEDIATELY REPORT TO LAW
22 ENFORCEMENT OFFICIALS AND THE DISTRICT ATTORNEY UNDER SECTION
23 6353(A) (RELATING TO ADMINISTRATION). IF AN ADMINISTRATOR IS
24 THE SCHOOL EMPLOYEE WHO SUSPECTS INJURY OR ABUSE, THE
25 ADMINISTRATOR SHALL MAKE A REPORT UNDER SECTION 6353(A).

26 (3) THE SCHOOL EMPLOYEE MAY NOT REVEAL THE EXISTENCE OR
27 CONTENT OF THE REPORT TO ANY OTHER PERSON.

28 (B) IMMUNITY.--A SCHOOL EMPLOYEE WHO REFERS A REPORT UNDER
29 SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY
30 ARISING OUT OF THE REPORT.

1 (C) CRIMINAL PENALTY.--

2 (1) A SCHOOL EMPLOYEE WHO WILLFULLY VIOLATES SUBSECTION
3 (A) COMMITS A SUMMARY OFFENSE.

4 (2) A SCHOOL EMPLOYEE WHO, AFTER BEING SENTENCED UNDER
5 PARAGRAPH (1), VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR
6 OF THE THIRD DEGREE.

7 § 6353. ADMINISTRATION.

8 (A) REQUIREMENT.--AN ADMINISTRATOR AND A SCHOOL EMPLOYEE
9 GOVERNED BY SECTION 6352(A) (2) (RELATING TO SCHOOL EMPLOYEES)
10 SHALL REPORT IMMEDIATELY TO LAW ENFORCEMENT OFFICIALS AND THE
11 APPROPRIATE DISTRICT ATTORNEY ANY REPORT OF SERIOUS BODILY
12 INJURY OR SEXUAL ABUSE OR SEXUAL EXPLOITATION ALLEGED TO HAVE
13 BEEN COMMITTED BY A SCHOOL EMPLOYEE AGAINST A STUDENT.

14 (B) REPORT.--A REPORT UNDER SUBSECTION (A) SHALL INCLUDE THE
15 FOLLOWING INFORMATION:

16 (1) NAME, AGE, ADDRESS AND SCHOOL OF THE STUDENT.

17 (2) NAME AND ADDRESS OF THE STUDENT'S PARENT OR
18 GUARDIAN.

19 (3) NAME AND ADDRESS OF THE ADMINISTRATOR.

20 (4) NAME, WORK AND HOME ADDRESS OF THE SCHOOL EMPLOYEE.

21 (5) NATURE OF THE ALLEGED OFFENSE.

22 (6) ANY SPECIFIC COMMENTS OR OBSERVATIONS THAT ARE
23 DIRECTLY RELATED TO THE ALLEGED INCIDENT AND THE INDIVIDUALS
24 INVOLVED.

25 (C) IMMUNITY.--AN ADMINISTRATOR WHO MAKES A REPORT UNDER
26 SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY
27 ARISING OUT OF THE REPORT.

28 (D) CRIMINAL PENALTY.--AN ADMINISTRATOR WHO WILLFULLY
29 VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR OF THE THIRD
30 DEGREE.

1 § 6353.1. INVESTIGATION.

2 (A) GENERAL RULE.--UPON RECEIPT OF A REPORT UNDER SECTION
3 6353 (RELATING TO ADMINISTRATION), AN INVESTIGATION SHALL BE
4 CONDUCTED BY LAW ENFORCEMENT OFFICIALS, IN COOPERATION WITH THE
5 DISTRICT ATTORNEY, AND A DETERMINATION MADE AS TO WHAT CRIMINAL
6 CHARGES, IF ANY, WILL BE FILED AGAINST THE SCHOOL EMPLOYEE.

7 (B) REFERRAL TO COUNTY AGENCY.--

8 (1) IF LOCAL LAW ENFORCEMENT OFFICIALS HAVE REASONABLE
9 CAUSE TO SUSPECT ON THE BASIS OF INITIAL REVIEW THAT THERE IS
10 EVIDENCE OF SERIOUS BODILY INJURY, SEXUAL ABUSE OR SEXUAL
11 EXPLOITATION COMMITTED BY A SCHOOL EMPLOYEE AGAINST A
12 STUDENT, LOCAL LAW ENFORCEMENT OFFICIALS SHALL NOTIFY THE
13 COUNTY AGENCY IN THE COUNTY WHERE THE ALLEGED ABUSE OR INJURY
14 OCCURRED FOR THE PURPOSE OF THE AGENCY CONDUCTING AN
15 INVESTIGATION OF THE ALLEGED ABUSE OR INJURY.

16 (2) TO THE FULLEST EXTENT POSSIBLE, LAW ENFORCEMENT
17 OFFICIALS AND THE COUNTY AGENCY SHALL COORDINATE THEIR
18 RESPECTIVE INVESTIGATIONS. IN RESPECT TO INTERVIEWS WITH THE
19 STUDENT, LAW ENFORCEMENT OFFICIALS AND THE COUNTY AGENCY
20 SHALL CONDUCT JOINT INTERVIEWS. IN RESPECT TO INTERVIEWS WITH
21 THE SCHOOL EMPLOYEE, LAW ENFORCEMENT OFFICIALS SHALL BE GIVEN
22 AN OPPORTUNITY TO INTERVIEW THE SCHOOL EMPLOYEE PRIOR TO THE
23 EMPLOYEE HAVING ANY CONTACT WITH THE COUNTY AGENCY.

24 (3) THE COUNTY AGENCY AND LAW ENFORCEMENT OFFICIALS HAVE
25 THE AUTHORITY TO ARRANGE FOR PHOTOGRAPHS, MEDICAL TESTS OR X-
26 RAYS OF A STUDENT ALLEGED TO HAVE BEEN ABUSED OR INJURED BY A
27 SCHOOL EMPLOYEE. THE COUNTY AGENCY AND LAW ENFORCEMENT
28 OFFICIALS SHALL COORDINATE THEIR EFFORTS IN THIS REGARD AND,
29 TO THE FULLEST EXTENT POSSIBLE, AVOID THE DUPLICATION OF ANY
30 PHOTOGRAPHS, MEDICAL TESTS OR X-RAYS.

1 (4) LAW ENFORCEMENT OFFICIALS AND THE COUNTY AGENCY
2 SHALL ADVISE EACH OTHER OF THE STATUS AND FINDINGS OF THEIR
3 RESPECTIVE INVESTIGATIONS ON AN ONGOING BASIS.]

4 SECTION 5. SECTIONS 6353.2 AND 6353.3 OF TITLE 23, AMENDED
5 DECEMBER 18, 2013 (P.L.1201, NO.119), ARE REPEALED:

6 [§ 6353.2. RESPONSIBILITIES OF COUNTY AGENCY.

7 (A) INFORMATION FOR THE PENDING COMPLAINT FILE.--IMMEDIATELY
8 AFTER RECEIVING A REPORT UNDER SECTION 6353.1 (RELATING TO
9 INVESTIGATION), THE COUNTY AGENCY SHALL NOTIFY THE DEPARTMENT OF
10 THE RECEIPT OF THE REPORT, WHICH IS TO BE FILED IN THE PENDING
11 COMPLAINT FILE AS PROVIDED IN SECTION 6331(1) (RELATING TO
12 ESTABLISHMENT OF PENDING COMPLAINT FILE, STATEWIDE CENTRAL
13 REGISTER AND FILE OF UNFOUNDED REPORTS). THE ORAL REPORT SHALL
14 INCLUDE THE FOLLOWING INFORMATION:

15 (1) THE NAME AND ADDRESS OF THE STUDENT AND THE
16 STUDENT'S PARENT OR GUARDIAN.

17 (2) WHERE THE SUSPECTED ABUSE OR INJURY OCCURRED.

18 (3) THE AGE AND SEX OF THE STUDENT.

19 (4) THE NATURE AND EXTENT OF THE SUSPECTED ABUSE OR
20 INJURY.

21 (5) THE NAME AND HOME ADDRESS OF THE SCHOOL EMPLOYEE
22 ALLEGED TO HAVE COMMITTED THE ABUSE OR INJURY.

23 (6) THE RELATIONSHIP OF THE STUDENT TO THE SCHOOL
24 EMPLOYEE ALLEGED TO HAVE COMMITTED THE ABUSE OR INJURY.

25 (7) THE SOURCE OF THE REPORT TO THE COUNTY AGENCY.

26 (8) THE ACTIONS TAKEN BY THE COUNTY AGENCY, LAW
27 ENFORCEMENT OFFICIALS, PARENTS, GUARDIANS, SCHOOL OFFICIALS
28 OR OTHER PERSONS, INCLUDING THE TAKING OF PHOTOGRAPHS,
29 MEDICAL TESTS AND X-RAYS.

30 (B) INVESTIGATION OF REPORTS.--UPON RECEIPT OF A REPORT

1 UNDER SECTION 6353.1, THE COUNTY AGENCY SHALL COMMENCE, WITHIN
2 THE TIME FRAMES ESTABLISHED IN DEPARTMENT REGULATIONS, AN
3 INVESTIGATION OF THE NATURE, EXTENT AND CAUSE OF ANY ALLEGED
4 ABUSE OR INJURY ENUMERATED IN THE REPORT. THE COUNTY AGENCY
5 SHALL COORDINATE ITS INVESTIGATION TO THE FULLEST EXTENT
6 POSSIBLE WITH LAW ENFORCEMENT OFFICIALS AS PROVIDED IN SECTION
7 6353.1(B).

8 (C) COMPLETION OF INVESTIGATION.--THE INVESTIGATION BY THE
9 COUNTY AGENCY TO DETERMINE WHETHER THE REPORT IS AN INDICATED
10 REPORT FOR SCHOOL EMPLOYEE OR AN UNFOUNDED REPORT SHALL BE
11 COMPLETED WITHIN 60 DAYS.

12 (D) NOTICE TO SUBJECT OF A REPORT.--PRIOR TO INTERVIEWING A
13 SUBJECT OF THE REPORT, THE COUNTY AGENCY SHALL ORALLY NOTIFY THE
14 SUBJECT OF THE REPORT OF THE EXISTENCE OF THE REPORT AND THE
15 SUBJECT'S RIGHTS UNDER THIS CHAPTER IN REGARD TO AMENDMENT OR
16 EXPUNGEMENT. WITHIN 72 HOURS FOLLOWING ORAL NOTIFICATION TO THE
17 SUBJECT, THE COUNTY AGENCY SHALL GIVE WRITTEN NOTICE TO THE
18 SUBJECT. THE NOTICE MAY BE REASONABLY DELAYED IF NOTIFICATION IS
19 LIKELY TO THREATEN THE SAFETY OF THE STUDENT OR THE COUNTY
20 AGENCY WORKER, TO CAUSE THE SCHOOL EMPLOYEE TO ABSCOND OR TO
21 SIGNIFICANTLY INTERFERE WITH THE CONDUCT OF A CRIMINAL
22 INVESTIGATION.

23 (E) RELIANCE ON FACTUAL INVESTIGATION.--THE COUNTY AGENCY
24 MAY RELY ON A FACTUAL INVESTIGATION OF SUBSTANTIALLY THE SAME
25 ALLEGATIONS BY A LAW ENFORCEMENT OFFICIALS TO SUPPORT THE
26 AGENCY'S FINDING. THIS RELIANCE SHALL NOT RELIEVE THE COUNTY
27 AGENCY OF ITS RESPONSIBILITIES RELATING TO THE INVESTIGATION OF
28 REPORTS UNDER THIS SUBCHAPTER.

29 (F) NOTICE TO THE DEPARTMENT OF THE COUNTY AGENCY'S
30 DETERMINATION.--AS SOON AS THE COUNTY AGENCY HAS COMPLETED ITS

1 INVESTIGATION, THE COUNTY AGENCY SHALL ADVISE THE DEPARTMENT AND
2 LAW ENFORCEMENT OFFICIALS OF ITS DETERMINATION OF THE REPORT AS
3 AN INDICATED REPORT FOR SCHOOL EMPLOYEE OR AN UNFOUNDED REPORT.
4 SUPPLEMENTAL REPORTS SHALL BE MADE AT REGULAR INTERVALS
5 THEREAFTER IN A MANNER AND FORM THE DEPARTMENT PRESCRIBES BY
6 REGULATION TO THE END THAT THE DEPARTMENT IS KEPT FULLY INFORMED
7 AND UP-TO-DATE CONCERNING THE STATUS OF THE REPORT.

8 § 6353.3. INFORMATION IN STATEWIDE CENTRAL REGISTER.

9 THE STATEWIDE CENTRAL REGISTER ESTABLISHED UNDER SECTION 6331
10 (RELATING TO ESTABLISHMENT OF PENDING COMPLAINT FILE, STATEWIDE
11 CENTRAL REGISTER AND FILE OF UNFOUNDED REPORTS) SHALL RETAIN
12 ONLY THE FOLLOWING INFORMATION RELATING TO REPORTS OF ABUSE OR
13 INJURY OF A STUDENT BY A SCHOOL EMPLOYEE WHICH HAVE BEEN
14 DETERMINED TO BE A FOUNDED REPORT FOR SCHOOL EMPLOYEE OR AN
15 INDICATED REPORT FOR SCHOOL EMPLOYEE:

16 (1) THE NAMES, SOCIAL SECURITY NUMBERS, AGE AND SEX OF
17 THE SUBJECTS OF THE REPORT.

18 (2) THE HOME ADDRESS OF THE SUBJECTS OF THE REPORT.

19 (3) THE DATE AND THE NATURE AND EXTENT OF THE ALLEGED
20 ABUSE OR INJURY.

21 (4) THE COUNTY AND STATE WHERE THE ABUSE OR INJURY
22 OCCURRED.

23 (5) FACTORS CONTRIBUTING TO THE ABUSE OR INJURY.

24 (6) THE SOURCE OF THE REPORT.

25 (7) WHETHER THE REPORT IS A FOUNDED OR INDICATED REPORT.

26 (8) INFORMATION OBTAINED BY THE DEPARTMENT IN RELATION
27 TO THE SCHOOL EMPLOYEE'S REQUEST TO RELEASE, AMEND OR EXPUNGE
28 INFORMATION RETAINED BY THE DEPARTMENT OR THE COUNTY AGENCY.

29 (9) THE PROGRESS OF ANY LEGAL PROCEEDINGS BROUGHT ON THE
30 BASIS OF THE REPORT.

1 (10) WHETHER A CRIMINAL INVESTIGATION HAS BEEN
2 UNDERTAKEN AND THE RESULT OF THE INVESTIGATION AND OF ANY
3 CRIMINAL PROSECUTION.]

4 SECTION 6. SECTION 6353.4 OF TITLE 23 IS REPEALED:

5 [§ 6353.4. OTHER PROVISIONS.

6 THE FOLLOWING PROVISIONS SHALL APPLY TO THE RELEASE AND
7 RETENTION OF INFORMATION BY THE DEPARTMENT AND THE COUNTY AGENCY
8 CONCERNING REPORTS OF ABUSE OR INJURY COMMITTED BY A SCHOOL
9 EMPLOYEE AS PROVIDED BY THIS SUBCHAPTER:

10 SECTION 6336(B) AND (C) (RELATING TO INFORMATION IN STATEWIDE
11 CENTRAL REGISTER).

12 SECTION 6337 (RELATING TO DISPOSITION OF UNFOUNDED REPORTS).

13 SECTION 6338(A) AND (B) (RELATING TO DISPOSITION OF FOUNDED
14 AND INDICATED REPORTS).

15 SECTION 6339 (RELATING TO CONFIDENTIALITY OF REPORTS).

16 SECTION 6340 (RELATING TO RELEASE OF INFORMATION IN
17 CONFIDENTIAL REPORTS).

18 SECTION 6341(A) THROUGH (F) (RELATING TO AMENDMENT OR
19 EXPUNCTION OF INFORMATION).

20 SECTION 6342 (RELATING TO STUDIES OF DATA IN RECORDS).]

21 SECTION 7. SECTION 6365 OF TITLE 23 IS AMENDED BY ADDING A
22 SUBSECTION TO READ:

23 § 6365. SERVICES FOR PREVENTION, INVESTIGATION AND TREATMENT OF
24 CHILD ABUSE.

25 * * *

26 (D.1) RELEASE BY COUNTY AGENCY.--PRIOR TO COMPLETING ITS
27 CHILD FATALITY OR NEAR FATALITY REPORT, THE INVESTIGATING COUNTY
28 AGENCY MAY RELEASE THE FOLLOWING INFORMATION TO THE PUBLIC
29 CONCERNING A CHILD WHO DIED OR NEARLY DIED AS A RESULT OF
30 SUSPECTED OR SUBSTANTIATED CHILD ABUSE:

1 (1) THE IDENTITY OF THE CHILD.

2 (2) IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC OR
3 PRIVATE AGENCY, THE IDENTITY OF THE AGENCY.

4 (3) THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY UNDER
5 CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES TO THE
6 CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME PRIOR TO THE
7 CHILD'S DEATH OR NEAR FATALITY.

8 (4) A DESCRIPTION OF SERVICES PROVIDED UNDER PARAGRAPH
9 (3).

10 * * *

11 Section ~~4~~ 8. This act shall take effect ~~January 1, 2014~~ <--
12 DECEMBER 31, 2014. <--