

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 32 Session of
2013

INTRODUCED BY DINNIMAN, FERLO, WASHINGTON, STACK, TEPLITZ,
RAFFERTY, ERICKSON, YUDICHAK, KASUNIC, FONTANA, TARTAGLIONE,
WILLIAMS, FARNESE, WAUGH, BROWNE, WARD AND BOSCOLA,
MARCH 15, 2013

REFERRED TO EDUCATION, MARCH 15, 2013

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for duty to notify county.

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

8 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
9 as the Public School Code of 1949, is amended by adding a
10 section to read:

11 Section 223.1. Duty to Notify County.--(a) The school
12 district in which the child resides shall notify the county
13 whenever a child enrolls in a home school program or cyber
14 charter school, is truant or fails to register for school upon
15 attaining compulsory school age if:

16 (1) A child or another child in the child's household has
17 been the subject of a founded or indicated report or received
18 general protective services within the last eighteen months.

1 (2) The parent or other person the child resides with has
2 been the subject of a report within the last eighteen months.

3 (b) Upon receipt of the notice under subsection (a), the
4 county agency shall promptly perform a safety and risk
5 assessment. A subsequent safety and risk assessment shall be
6 performed if the county agency has determined that a risk of
7 abuse exists. If after a six-month safety and risk assessment it
8 is determined that no risk of abuse exists, no further
9 assessment may be made, except upon receipt of a report under 23
10 Pa.C.S. Ch. 63 Subch. B (relating to provisions and
11 responsibilities for reporting suspected child abuse).

12 (c) As used in this section, the following words and phrases
13 shall have the meanings given to them in this subsection unless
14 the context clearly indicates otherwise:

15 "County agency." The county children and youth social
16 service agency established pursuant to section 405 of the act of
17 June 24, 1937 (P.L.2017, No.396), known as the "County
18 Institution District Law," or its successor, and supervised by
19 the Department of Public Welfare under Article IX of the act of
20 June 13, 1967 (P.L.31, No.21), known as the "Public Welfare
21 Code."

22 "Founded report." A child abuse report involving a
23 perpetrator that is made under this section, if any of the
24 following applies:

25 (1) There has been a judicial adjudication based on a
26 finding that a child who is a subject of the report has been
27 abused and the adjudication involves the same factual
28 circumstances involved in the allegation of child abuse. The
29 judicial adjudication may include any of the following:

30 (i) The entry of a plea of guilty or nolo contendere.

1 (ii) A finding of guilt to a criminal charge.
2 (iii) A finding of dependency or delinquency under 42
3 Pa.C.S. § 6341 (relating to adjudication).

4 (2) There has been an acceptance into an accelerated
5 rehabilitative disposition program and the reason for the
6 acceptance involves the same factual circumstances involved in
7 the allegation of child abuse.

8 (3) There has been a consent decree entered in a juvenile
9 proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile
10 matters) and the decree involves the same factual circumstances
11 involved in the allegation of child abuse.

12 (4) A final protection from abuse order has been granted
13 under 23 Pa.C.S. § 6108 (relating to relief), when the child who
14 is a subject of the report is also one of the individuals
15 protected under the protection from abuse order and:

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

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

19 (iii) the protection from abuse adjudication finds that the
20 abuse occurred and prohibits further contact between the
21 individual and the child.

22 "General protective services." Those services and activities
23 provided by each county agency for nonabuse cases requiring
24 protective services, as defined by the Department of Public
25 Welfare in regulations.

26 "Indicated report." A child abuse report made pursuant to 23
27 Pa.C.S. Ch. 63 (relating to child protective services) if an
28 investigation by the county agency or the Department of Public
29 Welfare determines that substantial evidence of the alleged
30 abuse exists based on any of the following:

1 (1) Available medical evidence.

2 (2) The child protective service investigation.

3 (3) An admission of the acts of abuse by the perpetrator.

4 "Perpetrator." A person who has committed child abuse and is
5 a parent of a child, a person responsible for the welfare of a
6 child, an individual residing in the same home as a child or a
7 paramour of a child's parent. The term includes only the
8 following:

9 (1) A parent of the child.

10 (2) A spouse or former spouse of a parent of the child.

11 (3) A paramour or former paramour of the parent.

12 (4) An individual who is 14 years of age or older and:

13 (i) resides in the same household as the child;

14 (ii) is present when and where the alleged child abuse
15 occurred; or

16 (iii) is related to the child within the fifth degree of
17 consanguinity or affinity but does not reside in the same
18 household as the child.

19 (5) A person responsible for the child's welfare.

20 "Person responsible for the child's welfare." A person who
21 provides permanent or temporary care, supervision, mental health
22 diagnosis or treatment, training or control of a child in lieu
23 of parental care, supervision and control. The term does not
24 include a person who is employed by or provides services or
25 programs in any public or private school, intermediate unit or
26 area vocational-technical school. The term includes an
27 individual who has direct or regular contact with a child
28 through any program, activity or service sponsored by a school,
29 for-profit organization or religious or other not-for-profit
30 organization, regardless of where the child abuse occurs.

1 Section 2. This act shall take effect in 60 days.