

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1116 Session of 2013

INTRODUCED BY WASHINGTON AND MENSCH, SEPTEMBER 30, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, OCTOBER 15, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for services for prevention, investigation and
4 treatment of child abuse and for investigation of reports.

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

7 Section 1. Sections 6365(a), (b) 6365(B) and (c) and 6368 of <--
8 Title 23 of the Pennsylvania Consolidated Statutes are amended
9 to read:

10 § 6365. Services for prevention, investigation and treatment of
11 child abuse.

12 (a) Instruction and education. Each county agency shall <--
13 make available, among its services for the prevention and
14 treatment of child abuse by a perpetrator, instruction and
15 education for parenthood and parenting skills, protective and
16 preventive social counseling, outreach and counseling services
17 to prevent newborn abandonment, emergency caretaker services,
18 emergency shelter care, emergency medical services and the
19 establishment of self help groups organized for the prevention

1 ~~and treatment of child abuse, part day services, out of home~~  
2 ~~placement services, therapeutic activities for child and family~~  
3 ~~directed at alleviating conditions that present a risk to the~~  
4 ~~safety and well being of a child and any other services required~~  
5 ~~by department regulations. \* \* \*~~ <--

6 (b) Multidisciplinary review team.--The county agency shall  
7 make available among its services a multidisciplinary review  
8 team for the prevention, investigation and treatment of child  
9 abuse and shall convene the multidisciplinary review team at any  
10 time, but not less than annually:

11 (1) To review substantiated cases of child abuse,  
12 including responses by the county agency and other agencies  
13 providing services to the child.

14 (2) Where appropriate to assist in the development of a  
15 family service plan for the child.

16 (c) [Investigative] Multidisciplinary investigative team.--A  
17 multidisciplinary investigative team shall be used to coordinate  
18 child-abuse investigations between county agencies and law  
19 enforcement. The county agency and the district attorney shall  
20 develop a protocol for the convening of multidisciplinary  
21 investigative teams for any case of child abuse BY A PERPETRATOR <--  
22 involving crimes against children which are set forth in section  
23 6340(a)(9) and (10) (relating to release of information in  
24 confidential reports). The county ~~agency~~ MULTIDISCIPLINARY <--  
25 INVESTIGATIVE TEAM protocol shall include standards and  
26 procedures to be used in receiving and referring reports and  
27 coordinating investigations of reported cases of child abuse and  
28 a system for sharing the information obtained as a result of any  
29 interview. The protocol shall include any other standards and  
30 procedures to avoid duplication of fact-finding efforts and

1 interviews to minimize the trauma to the child. The district  
2 attorney shall convene [an] the multidisciplinary investigative  
3 team in accordance with the protocol. The multidisciplinary  
4 investigative team shall consist of those individuals and  
5 agencies responsible for investigating the abuse or for  
6 providing services to the child and shall at a minimum include a  
7 health care provider, county caseworker and law enforcement  
8 official.

9 \* \* \*

10 § 6368. Investigation of reports.

11 [(a) General rule.--Upon receipt of each report of suspected  
12 child abuse, the county agency shall immediately commence an  
13 appropriate investigation and see the child immediately if  
14 emergency protective custody is required or has been or shall be  
15 taken or if it cannot be determined from the report whether  
16 emergency protective custody is needed. Otherwise, the county  
17 agency shall commence an appropriate investigation and see the  
18 child within 24 hours of receipt of the report. The  
19 investigation shall include a determination of the risk of harm  
20 to the child or children if they continue to remain in the  
21 existing home environment, as well as a determination of the  
22 nature, extent and cause of any condition enumerated in the  
23 report, any action necessary to provide for the safety of the  
24 child or children and the taking of photographic identification  
25 of the child or children to be maintained with the file. During  
26 the investigation, the county agency shall provide or arrange  
27 for services necessary to protect the child while the agency is  
28 making a determination pursuant to this section. If the  
29 investigation indicates serious physical injury, a medical  
30 examination shall be performed on the subject child by a

1 certified medical practitioner. Where there is reasonable cause  
2 to suspect there is a history of prior or current abuse, the  
3 medical practitioner has the authority to arrange for further  
4 medical tests or the county agency has the authority to request  
5 further medical tests. The investigation shall include  
6 communication with the department's service under section 6332  
7 (relating to establishment of Statewide toll-free telephone  
8 number). Prior to interviewing a subject of the report, the  
9 county agency shall orally notify the subject who is about to be  
10 interviewed of the existence of the report, the subject's rights  
11 under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338  
12 (relating to other basic rights) and the subject's rights  
13 pursuant to this chapter in regard to amendment or expungement.  
14 Within 72 hours following oral notification to the subject, the  
15 county agency shall give written notice to the subject. The  
16 notice may be reasonably delayed if notification is likely to  
17 threaten the safety of the victim, a nonperpetrator subject or  
18 the investigating county agency worker, to cause the perpetrator  
19 to abscond or to significantly interfere with the conduct of a  
20 criminal investigation. However, the written notice must be  
21 provided to all subjects prior to the county agency's reaching a  
22 finding on the validity of the report.

23 (a.1) Investigation of report concerning child-care service  
24 personnel.--Upon notification that an investigation involves  
25 suspected child abuse perpetrated by child-care service  
26 personnel, including a child-care service employee, service  
27 provider or administrator, the respective child-care service  
28 must immediately implement a plan of supervision or alternative  
29 arrangement subject to the county agency's approval for the  
30 individual under investigation to ensure the safety of the child

1 and other children who are in the care of the child-care  
2 service. Such plan of supervision or alternative arrangement  
3 shall be kept on file with the county agency until such time  
4 that the investigation is completed.

5 (b) Conditions outside home environment.--The investigation  
6 shall determine whether the child is being harmed by factors  
7 beyond the control of the parent or other person responsible for  
8 the welfare of the child, and, if so determined, the county  
9 agency shall promptly take all available steps to remedy and  
10 correct these conditions, including, but not limited to, the  
11 coordination of social services for the child and the family, or  
12 referral of the family to appropriate agencies for the provision  
13 of services.

14 (c) Completion of investigations.--The investigation by the  
15 county agency to determine whether the report is "founded,"  
16 "indicated" or "unfounded" and whether to accept the family for  
17 service shall be completed within 60 days in all cases. If, due  
18 to the particular circumstances of the case, the county agency  
19 cannot complete the investigation within 30 days, the particular  
20 reasons for the delay shall be described in the child protective  
21 service record and available to the department for purposes of  
22 determining whether the county agency has strictly followed the  
23 provisions of this chapter and whether the county agency is  
24 subject to action as authorized by section 6343 (relating to  
25 investigating performance of county agency). Where a petition  
26 has been filed under 42 Pa.C.S. Ch. 63 (relating to juvenile  
27 matters) alleging that the child is a dependent child, the  
28 county agency shall make all reasonable efforts to complete the  
29 investigation to enable the hearing on the petition to be held  
30 as required by 42 Pa.C.S. § 6335 (relating to release or holding

1 of hearing).

2 (d) Referral for investigation.--If the complaint of  
3 suspected abuse is determined to be one which cannot be  
4 investigated under this chapter because the person accused of  
5 the abuse is not a perpetrator within the meaning of section  
6 6303 (relating to definitions) but does suggest the need for  
7 investigation, the county agency shall immediately transmit the  
8 information to the appropriate authorities, including the  
9 district attorney, the district attorney's designee or other law  
10 enforcement official, in accordance with the county protocols  
11 for investigative teams required by section 6365(c) (relating to  
12 services for prevention, investigation and treatment of child  
13 abuse).]

14 (a) Response to direct reports.--Upon receipt of a report of  
15 suspected child abuse by a perpetrator from an individual, the  
16 county agency shall ensure the safety of the child and  
17 immediately contact the department in accordance with the  
18 provisions of section 6323 (relating to disposition of initial  
19 reports).

20 (b) Response to reports referred to county agency by  
21 department.--Upon receipt of a report of suspected child abuse  
22 from the department, the county agency shall immediately  
23 commence an investigation and see the child within the following  
24 time frames:

25 (1) Immediately, if:

26 (i) emergency protective custody is required, has  
27 been or will be taken; or

28 (ii) it cannot be determined from the report whether  
29 emergency protective custody is needed.

30 (2) Within 24 hours of receipt of the report in all

1 other cases.

2 (c) Investigation.--An investigation under this section  
3 shall include the following:

4 (1) A determination of the safety of, or risk of harm  
5 to, the child or any other child if each child continues to  
6 remain in the existing home environment.

7 (2) A determination of the nature, extent and cause of  
8 any condition listed in the report.

9 (3) Any action necessary to provide for the safety of  
10 the child or any other child in the child's household.

11 (4) The taking of photographic identification of the  
12 child or any other child in the child's household, which  
13 shall be maintained in the case file.

14 (5) Communication with the department's service under  
15 section ~~6322 (relating to access to reports)~~ 6332 (RELATING <--  
16 TO ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE NUMBER).

17 (d) Investigative actions.--During the investigation, all of  
18 the following shall apply:

19 (1) The county agency shall provide or arrange for  
20 services necessary to protect the child while the agency is  
21 making a determination under this section.

22 (2) The county agency may require that a medical  
23 examination by a certified medical practitioner be performed  
24 on the child or any other child in the child's household when  
25 deemed necessary because of information discovered during the  
26 course of the investigation.

27 (3) Where there is reasonable cause to suspect that  
28 there is a history of prior or current abuse or neglect,  
29 further medical tests may be arranged by the certified  
30 medical practitioner or requested by the county agency.

1 (e) Investigation concerning ~~child care personnel~~ A SCHOOL <--  
2 OR CHILD-CARE SERVICE EMPLOYEE.--

3 (1) Upon notification that an investigation involves  
4 suspected child abuse by ~~child care service personnel,~~ <--  
5 ~~including a child care service employee, service provider or~~  
6 ~~administrator,~~ the A SCHOOL OR CHILD-CARE SERVICE EMPLOYEE, <--  
7 INCLUDING, BUT NOT LIMITED TO, A SERVICE PROVIDER,  
8 INDEPENDENT CONTRACTOR OR ADMINISTRATOR, THE SCHOOL OR child-  
9 care service shall immediately implement a plan of  
10 supervision or alternative arrangement for the individual  
11 under investigation to ensure the safety of the child and  
12 other children who are in the care of the SCHOOL OR child- <--  
13 care service.

14 (2) The plan of supervision or alternative arrangement  
15 shall be approved by the county agency and kept on file with  
16 the agency until the investigation is completed.

17 (f) Referral for investigation.--If the complaint of  
18 suspected abuse is determined to be one that cannot be  
19 investigated under this chapter because the person accused of  
20 the abuse is not a perpetrator within the meaning of section  
21 6303 (relating to definitions), but does suggest the need for  
22 investigation, the county agency shall immediately transmit the  
23 information to the appropriate law enforcement officials in  
24 accordance with the county protocols for multidisciplinary  
25 investigative teams required under section 6365(c) (relating to  
26 services for prevention, investigation and treatment of child  
27 abuse).

28 (g) Need for social services.--If the investigation  
29 determines that the child is being harmed by factors beyond the  
30 control of the parent or other person responsible for the



1 child's welfare, the county agency shall promptly take all steps  
2 available to remedy and correct these conditions, including the  
3 coordination of social services for the child and the family or  
4 referral of the family to appropriate agencies for the provision  
5 of services.

6 (h) Notice of investigation.--

7 (1) Prior to interviewing a subject of a report, the  
8 county agency shall orally notify the subject who is about to  
9 be interviewed of the following information:

10 (i) The existence of the report.

11 (ii) The subject's rights under 42 Pa.C.S. §§ 6337  
12 (relating to right to counsel) and 6338 (relating to  
13 other basic rights).

14 (iii) The subject's rights pursuant to this chapter  
15 in regard to amendment or expungement.

16 (2) Written notice shall be given to the subject within  
17 72 hours following oral notification, unless delayed as  
18 provided in subsection (i).

19 (i) Delay of notification.--The notice under subsection (h) <--

20 (H) (2) may be reasonably delayed, subject to the following: <--

21 (1) If the notification is likely to:

22 (i) threaten the safety of a victim, a subject of  
23 the report who is not a perpetrator or the investigating  
24 county agency worker;

25 (ii) cause the perpetrator to abscond; or

26 (iii) significantly interfere with the conduct of a  
27 criminal investigation.

28 (2) The written notice shall be provided to all subjects  
29 of the report prior to the county agency reaching a finding  
30 on the validity of the report.

1 (j) Completion of investigation.--Investigations shall be  
2 completed in accordance with the following:

3 (1) Investigations to determine whether to accept the  
4 family for service and whether a report is founded, indicated  
5 or unfounded shall be completed within 60 days in all cases.

6 (2) If, due to the particular circumstances of the case,  
7 the county agency cannot complete the investigation within 30  
8 days, the particular reasons for the delay shall be described  
9 in the child protective service record and made available to  
10 the department for purposes of determining whether either of  
11 the following occurred:

12 (i) The county agency strictly followed the  
13 provisions of this chapter.

14 (ii) The county agency is subject to action as  
15 authorized under section 6343 (relating to investigating  
16 performance of county agency).

17 (3) Where a petition has been filed under 42 Pa.C.S. Ch.  
18 63 (relating to juvenile matters) alleging that a child is a  
19 dependent child, the county agency shall make all reasonable  
20 efforts to complete the investigation to enable the hearing  
21 on the petition to be held as required by 42 Pa.C.S. § 6335  
22 (relating to release or holding of hearing).

23 Section 2. This act shall take effect ~~January 1, 2014~~ IN 90 <--  
24 DAYS.