
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1116 Session of
2013

INTRODUCED BY WASHINGTON AND MENSCH, SEPTEMBER 30, 2013

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 19, 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(b) and (c) and 6368 of Title 23 of
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 6365. Services for prevention, investigation and treatment of
10 child abuse.

11 * * *

12 (b) Multidisciplinary review team.--The county agency shall
13 make available among its services a multidisciplinary review
14 team for the prevention, investigation and treatment of child
15 abuse and shall convene the multidisciplinary review team at any
16 time, but not less than annually:

17 (1) To review substantiated cases of child abuse,
18 including responses by the county agency and other agencies

1 providing services to the child.

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

4 (c) [Investigative] Multidisciplinary investigative team.--A
5 multidisciplinary investigative team shall be used to coordinate
6 child-abuse investigations between county agencies and law
7 enforcement. The county agency and the district attorney shall
8 develop a protocol for the convening of multidisciplinary
9 investigative teams for any case of child abuse by a perpetrator
10 involving crimes against children which are set forth in section
11 6340(a) (9) and (10) (relating to release of information in
12 confidential reports). The county multidisciplinary
13 investigative team protocol shall include standards and
14 procedures to be used in receiving and referring reports and
15 coordinating investigations of reported cases of child abuse and
16 a system for sharing the information obtained as a result of any
17 interview. The protocol shall include any other standards and
18 procedures to avoid duplication of fact-finding efforts and
19 interviews to minimize the trauma to the child. The district
20 attorney shall convene [an] the multidisciplinary investigative
21 team in accordance with the protocol. The multidisciplinary
22 investigative team shall consist of those individuals and
23 agencies responsible for investigating the abuse or for
24 providing services to the child and shall at a minimum include a
25 health care provider, county caseworker and law enforcement
26 official.

27 * * *

28 § 6368. Investigation of reports.

29 [(a) General rule.--Upon receipt of each report of suspected
30 child abuse, the county agency shall immediately commence an

1 appropriate investigation and see the child immediately if
2 emergency protective custody is required or has been or shall be
3 taken or if it cannot be determined from the report whether
4 emergency protective custody is needed. Otherwise, the county
5 agency shall commence an appropriate investigation and see the
6 child within 24 hours of receipt of the report. The
7 investigation shall include a determination of the risk of harm
8 to the child or children if they continue to remain in the
9 existing home environment, as well as a determination of the
10 nature, extent and cause of any condition enumerated in the
11 report, any action necessary to provide for the safety of the
12 child or children and the taking of photographic identification
13 of the child or children to be maintained with the file. During
14 the investigation, the county agency shall provide or arrange
15 for services necessary to protect the child while the agency is
16 making a determination pursuant to this section. If the
17 investigation indicates serious physical injury, a medical
18 examination shall be performed on the subject child by a
19 certified medical practitioner. Where there is reasonable cause
20 to suspect there is a history of prior or current abuse, the
21 medical practitioner has the authority to arrange for further
22 medical tests or the county agency has the authority to request
23 further medical tests. The investigation shall include
24 communication with the department's service under section 6332
25 (relating to establishment of Statewide toll-free telephone
26 number). Prior to interviewing a subject of the report, the
27 county agency shall orally notify the subject who is about to be
28 interviewed of the existence of the report, the subject's rights
29 under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338
30 (relating to other basic rights) and the subject's rights

1 pursuant to this chapter in regard to amendment or expungement.
2 Within 72 hours following oral notification to the subject, the
3 county agency shall give written notice to the subject. The
4 notice may be reasonably delayed if notification is likely to
5 threaten the safety of the victim, a nonperpetrator subject or
6 the investigating county agency worker, to cause the perpetrator
7 to abscond or to significantly interfere with the conduct of a
8 criminal investigation. However, the written notice must be
9 provided to all subjects prior to the county agency's reaching a
10 finding on the validity of the report.

11 (a.1) Investigation of report concerning child-care service
12 personnel.--Upon notification that an investigation involves
13 suspected child abuse perpetrated by child-care service
14 personnel, including a child-care service employee, service
15 provider or administrator, the respective child-care service
16 must immediately implement a plan of supervision or alternative
17 arrangement subject to the county agency's approval for the
18 individual under investigation to ensure the safety of the child
19 and other children who are in the care of the child-care
20 service. Such plan of supervision or alternative arrangement
21 shall be kept on file with the county agency until such time
22 that the investigation is completed.

23 (b) Conditions outside home environment.--The investigation
24 shall determine whether the child is being harmed by factors
25 beyond the control of the parent or other person responsible for
26 the welfare of the child, and, if so determined, the county
27 agency shall promptly take all available steps to remedy and
28 correct these conditions, including, but not limited to, the
29 coordination of social services for the child and the family, or
30 referral of the family to appropriate agencies for the provision

1 of services.

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

20 (d) Referral for investigation.--If the complaint of
21 suspected abuse is determined to be one which cannot be
22 investigated under this chapter because the person accused of
23 the abuse is not a perpetrator within the meaning of section
24 6303 (relating to definitions) but does suggest the need for
25 investigation, the county agency shall immediately transmit the
26 information to the appropriate authorities, including the
27 district attorney, the district attorney's designee or other law
28 enforcement official, in accordance with the county protocols
29 for investigative teams required by section 6365(c) (relating to
30 services for prevention, investigation and treatment of child

1 abuse).]

2 (a) Response to direct reports.--Upon receipt of a report of
3 suspected child abuse by a perpetrator from an individual, the
4 county agency shall ensure the safety of the child AND ANY OTHER <--
5 CHILD IN THE CHILD'S HOME and immediately contact the department
6 in accordance with the provisions of section ~~6323~~ 6334 (relating <--
7 to disposition of initial reports COMPLAINTS RECEIVED). <--

8 (b) Response to reports referred to county agency by
9 department.--Upon receipt of a report of suspected child abuse
10 from the department, the county agency shall immediately
11 commence an investigation and see the child within the following
12 time frames:

13 (1) Immediately, if:

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

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

18 (2) Within 24 hours of receipt of the report in all
19 other cases.

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

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

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

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

29 (4) The taking of photographic identification of the
30 child or any other child in the child's household, which

1 shall be maintained in the case file.

2 (5) Communication with the department's service under
3 section 6332 (relating to establishment of Statewide toll-
4 free telephone number).

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

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

10 (2) ~~The~~ IF THE INVESTIGATION INDICATES BODILY INJURY, <--
11 THE county agency may require that a medical examination by a
12 certified medical practitioner be performed on the child ~~or~~ <--
13 any other child in the child's household when deemed
14 necessary because of information discovered during the course
15 of the investigation.

16 (3) Where there is reasonable cause to suspect that
17 there is a history of prior or current abuse ~~or neglect,~~ <--
18 further medical tests may be arranged by the certified
19 medical practitioner or requested by the county agency., THE <--
20 MEDICAL PRACTITIONER HAS THE AUTHORITY TO ARRANGE FOR FURTHER
21 MEDICAL TESTS OR THE COUNTY AGENCY HAS THE AUTHORITY TO
22 REQUEST FURTHER MEDICAL TESTS.

23 (4) THE INVESTIGATION SHALL INCLUDE INTERVIEWS WITH ALL
24 SUBJECTS OF THE REPORT, INCLUDING THE ALLEGED PERPETRATOR. IF
25 A SUBJECT OF THE REPORT IS NOT ABLE TO BE INTERVIEWED OR
26 CANNOT BE LOCATED, THE COUNTY AGENCY SHALL DOCUMENT ITS
27 REASONABLE EFFORTS TO INTERVIEW THE SUBJECT AND THE REASONS
28 FOR ITS INABILITY TO INTERVIEW THE SUBJECT. THE INTERVIEW MAY
29 BE REASONABLY DELAYED IF NOTICE OF THE INVESTIGATION HAS BEEN
30 DELAYED PURSUANT TO SUBSECTION (I).

1 (e) Investigation concerning a school or child-care service
2 employee.--

3 (1) Upon notification that an investigation involves
4 suspected child abuse by a school or child-care service
5 employee, including, but not limited to, a service provider,
6 independent contractor or administrator, the school or child-
7 care service shall immediately implement a plan of
8 supervision or alternative arrangement for the individual
9 under investigation to ensure the safety of the child and
10 other children who are in the care of the school or child-
11 care service.

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

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

26 (g) Need for social services.--If the investigation
27 determines that the child is being harmed by factors beyond the
28 control of the parent or other person responsible for the
29 child's welfare, the county agency shall promptly take all steps
30 available to remedy and correct these conditions, including the

1 coordination of social services for the child and the family or
2 referral of the family to appropriate agencies for the provision
3 of services.

4 (h) Notice of investigation.--

5 (1) Prior to interviewing a subject of a report, the
6 county agency shall orally notify the subject, EXCEPT FOR THE <--
7 ALLEGED VICTIM, who is about to be interviewed of the
8 following information:

9 (i) The existence of the report.

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

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

15 (IV) THE SUBJECT'S RIGHT TO HAVE AN ATTORNEY PRESENT <--
16 DURING THE INTERVIEW.

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

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

21 (2) may be reasonably delayed, subject to the following:

22 (1) If the notification is likely to:

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

26 (ii) cause the perpetrator to abscond; or

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

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

1 on the validity of the report.

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

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

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

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

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

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

24 Section 2. This act shall take effect in 90 days.