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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. 1232 Session of  
2017

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INTRODUCED BY MURT, WATSON, SIMMONS, BAKER, BOBACK, V. BROWN,  
BULLOCK, CONKLIN, DAVIS, DeLUCA, DRISCOLL, FREEMAN, KINSEY,  
KORTZ, McCLINTON, McNEILL, NEILSON, PASHINSKI, READSHAW,  
ROEBUCK, SNYDER, TOOHIL, WARD, WARREN AND SIMS,  
APRIL 17, 2017

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SENATOR BROOKS, AGING AND YOUTH, IN SENATE, AS AMENDED,  
APRIL 24, 2018

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## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child protective services, further  
3 providing for establishment of Statewide toll-free telephone  
4 number~~-,~~ FOR DISPOSITION AND EXPUNCTION OF UNFOUNDED REPORTS <--  
5 AND GENERAL PROTECTIVE SERVICES REPORTS, FOR EMPLOYEES HAVING  
6 CONTACT WITH CHILDREN AND ADOPTIVE AND FOSTER PARENTS, FOR  
7 VOLUNTEERS HAVING CONTACT WITH CHILDREN AND FOR MANDATORY  
8 REPORTING OF CHILDREN UNDER ONE YEAR OF AGE.

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

11 Section 1. Section 6332 of Title 23 of the Pennsylvania  
12 Consolidated Statutes is amended by adding subsections to read:

13 § 6332. Establishment of Statewide toll-free telephone number.

14 \* \* \*

15 (c) Posting Statewide toll-free telephone number in  
16 schools.--All public and nonpublic schools that enroll students  
17 in grades kindergarten through 12 shall publicly display at each  
18 school campus a poster uniformly designed by the department that

1 contains the Statewide toll-free telephone number for reporting  
2 suspected child abuse or neglect. The poster shall be posted in <--  
3 a high traffic, public area of the school that is readily  
4 accessible to and widely used by students. The department shall,  
5 in consultation with the Department of Education, design the  
6 poster to be 11 inches by 17 inches or larger, display the  
7 Statewide toll free telephone number, which shall be printed in  
8 bold print, and include the department's publicly accessible  
9 Internet website that provides information and resources related  
10 to child protection. The department and the Department of  
11 Education shall make the poster available on their publicly  
12 accessible Internet websites to all public and nonpublic  
13 schools. SUSPECTED CHILD ABUSE OR NEGLECT AND ANY STATEWIDE <--  
14 TOLL-FREE TELEPHONE NUMBER RELATING TO SCHOOL SAFETY. THE  
15 FOLLOWING APPLY:

16 (1) THE POSTER SHALL BE POSTED IN A HIGH-TRAFFIC, PUBLIC  
17 AREA OF THE SCHOOL THAT IS READILY ACCESSIBLE TO AND WIDELY  
18 USED BY STUDENTS.

19 (2) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE  
20 DEPARTMENT OF EDUCATION, DESIGN THE POSTER, WHICH SHALL:

21 (I) BE 11 INCHES BY 17 INCHES OR LARGER;

22 (II) DISPLAY IN BOLD PRINT THE STATEWIDE TOLL-FREE  
23 TELEPHONE NUMBER FOR REPORTING SUSPECTED CHILD ABUSE OR  
24 NEGLECT AND ANY STATEWIDE TOLL-FREE TELEPHONE NUMBER  
25 RELATING TO SCHOOL SAFETY; AND

26 (III) INCLUDE THE DEPARTMENT'S PUBLICLY ACCESSIBLE  
27 INTERNET WEBSITE THAT PROVIDES INFORMATION AND RESOURCES  
28 RELATED TO CHILD PROTECTION.

29 (3) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL  
30 MAKE THE POSTER AVAILABLE ON THEIR PUBLICLY ACCESSIBLE

1 INTERNET WEBSITES TO ALL PUBLIC AND NONPUBLIC SCHOOLS.

2 (d) Posting Statewide toll-free telephone ~~number~~ NUMBERS in <--  
3 hospitals.--All hospitals shall publicly display a poster that  
4 contains the Statewide toll-free telephone number for reporting  
5 suspected child abuse or neglect AND ANY STATEWIDE TOLL-FREE <--  
6 TELEPHONE NUMBER RELATING TO SCHOOL SAFETY. The poster shall be  
7 11 inches by 17 inches or larger and of a uniform design  
8 approved by the department in consultation with the Department  
9 of Health. The poster shall be posted in a high-traffic, public  
10 area of the emergency department of the hospital. The Statewide  
11 toll-free telephone ~~number~~ NUMBERS shall be printed in bold <--  
12 print. The poster shall also include the department's publicly  
13 accessible Internet website that provides information and  
14 resources related to child protection.

15 ~~Section 2. This act shall take effect in 60 days.~~ <--

16 SECTION 2. SECTIONS 6337(D) AND (F), 6344(B) INTRODUCTORY <--  
17 PARAGRAPH AND (B.1), 6344.2(A), (B) AND (B.1)(1)(I) AND 6386 OF  
18 TITLE 23 ARE AMENDED TO READ:

19 § 6337. DISPOSITION AND EXPUNCTION OF UNFOUNDED REPORTS AND  
20 GENERAL PROTECTIVE SERVICES REPORTS.

21 \* \* \*

22 (D) EXPUNCTION OF VALID GENERAL PROTECTIVE SERVICES  
23 REPORTS.--INFORMATION CONCERNING VALID GENERAL PROTECTIVE  
24 SERVICES REPORTS SHALL BE MAINTAINED IN THE STATEWIDE DATABASE  
25 AS FOLLOWS:

26 (1) REPORTS THAT ARE ASSESSED BY THE COUNTY AGENCY AND  
27 ARE DETERMINED TO BE VALID, BUT ARE NOT ACCEPTED FOR  
28 SERVICES, SHALL BE REPORTED TO THE DEPARTMENT AND ENTERED  
29 INTO THE STATEWIDE DATABASE. THE REPORTS SHALL BE MAINTAINED  
30 FOR A PERIOD OF [FIVE] 10 YEARS[.] OR UNTIL THE YOUNGEST

1 CHILD IDENTIFIED IN THE MOST RECENT GENERAL PROTECTIVE  
2 SERVICES REPORT ATTAINS 23 YEARS OF AGE, WHICHEVER OCCURS  
3 FIRST. FOLLOWING THE EXPIRATION OF [FIVE] 10 YEARS AFTER THE  
4 DATE THE REPORT WAS RECEIVED BY THE DEPARTMENT OR UNTIL THE  
5 YOUNGEST CHILD IDENTIFIED IN THE MOST RECENT GENERAL  
6 PROTECTIVE SERVICES REPORT ATTAINS 23 YEARS OF AGE, WHICHEVER  
7 OCCURS FIRST, THE REPORT SHALL BE EXPUNGED FROM THE STATEWIDE  
8 DATABASE AS SOON AS POSSIBLE, BUT NO LATER THAN 120 DAYS  
9 AFTER THE [FIVE-YEAR] 10-YEAR PERIOD FOLLOWING THE DATE THE  
10 REPORT WAS RECEIVED BY THE DEPARTMENT[.] OR 120 DAYS AFTER  
11 THE YOUNGEST CHILD IDENTIFIED IN THE MOST RECENT GENERAL  
12 PROTECTIVE SERVICES REPORT ATTAINS 23 YEARS OF AGE, WHICHEVER  
13 OCCURS FIRST.

14 (2) REPORTS THAT ARE ASSESSED BY THE COUNTY AGENCY AND  
15 ACCEPTED FOR SERVICES SHALL BE REPORTED TO THE DEPARTMENT,  
16 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (F) (2), AND  
17 ENTERED INTO THE STATEWIDE DATABASE. THE REPORTS SHALL BE  
18 MAINTAINED FOR A PERIOD OF [FIVE] 10 YEARS AFTER THE CLOSURE  
19 OF SERVICES BY THE COUNTY AGENCY[.] OR UNTIL THE YOUNGEST  
20 CHILD IDENTIFIED IN THE MOST RECENT GENERAL PROTECTIVE  
21 SERVICES REPORT ATTAINS 23 YEARS OF AGE, WHICHEVER OCCURS  
22 FIRST. FOLLOWING THE EXPIRATION OF [FIVE] 10 YEARS AFTER THE  
23 CLOSURE OF SERVICES BY THE COUNTY AGENCY OR UNTIL THE  
24 YOUNGEST CHILD IDENTIFIED IN THE MOST RECENT GENERAL  
25 PROTECTIVE SERVICES REPORT ATTAINS 23 YEARS OF AGE, WHICHEVER  
26 OCCURS FIRST, THE REPORT SHALL BE EXPUNGED FROM THE STATEWIDE  
27 DATABASE AS SOON AS POSSIBLE, BUT NO LATER THAN 120 DAYS  
28 AFTER THE [FIVE-YEAR] 10-YEAR PERIOD FOLLOWING THE CLOSURE OF  
29 SERVICES BY THE COUNTY AGENCY[.] OR 120 DAYS AFTER THE  
30 YOUNGEST CHILD IDENTIFIED IN THE MOST RECENT GENERAL

1 PROTECTIVE SERVICES REPORT ATTAINS 23 YEARS OF AGE, WHICHEVER  
2 OCCURS FIRST.

3 (3) THE EXPUNCTION OF INFORMATION ON GENERAL PROTECTIVE  
4 SERVICES UNDER THIS SUBSECTION SHALL BE MANDATED AND  
5 GUARANTEED BY THE DEPARTMENT.

6 \* \* \*

7 (F) COUNTY AGENCY RECORDS.--INFORMATION CONCERNING  
8 PROTECTIVE SERVICES REPORTS SHALL BE MAINTAINED BY A COUNTY  
9 AGENCY AS FOLLOWS:

10 (1) COUNTY AGENCY RECORDS OF PROTECTIVE SERVICES SHALL  
11 BE USED AND MAINTAINED IN A MANNER THAT IS CONSISTENT WITH  
12 THE USE AND MAINTENANCE OF INFORMATION IN THE STATEWIDE  
13 DATABASE, AS PROVIDED UNDER THIS CHAPTER, EXCEPT AS OTHERWISE  
14 PROVIDED IN PARAGRAPH (2). IF REQUIRED UNDER THIS CHAPTER TO  
15 AMEND OR EXPUNGE INFORMATION IN THE STATEWIDE DATABASE, THE  
16 DEPARTMENT SHALL NOTIFY THE APPROPRIATE COUNTY AGENCY OF THE  
17 AMENDMENT OR EXPUNGEMENT WITHIN TEN DAYS. THE COUNTY AGENCY  
18 SHALL AMEND OR EXPUNGE ITS RECORDS IN A COMMENSURATE MANNER  
19 WITHIN TEN DAYS OF RECEIVING NOTIFICATION FROM THE  
20 DEPARTMENT.

21 (2) A COUNTY AGENCY MAY MAINTAIN INFORMATION REGARDING  
22 PROTECTIVE SERVICES REPORTS THAT HAVE BEEN EXPUNGED IN THE  
23 STATEWIDE DATABASE FOR ACCESS BY THE COUNTY AGENCY TO ASSIST  
24 IN FUTURE RISK AND SAFETY ASSESSMENTS AND RESEARCH.

25 § 6344. EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE AND  
26 FOSTER PARENTS.

27 \* \* \*

28 (B) INFORMATION TO BE SUBMITTED.--AN INDIVIDUAL IDENTIFIED  
29 IN SUBSECTION (A) (7) OR (8) AT THE TIME THE INDIVIDUAL MEETS THE  
30 DESCRIPTION SET FORTH IN SUBSECTION (A) (7) OR (8) AND AN

1 INDIVIDUAL IDENTIFIED IN SUBSECTION (A) (1), (2), (3), (4), (5)  
2 (I) OR (6), (A.1) OR (A.2) PRIOR TO THE COMMENCEMENT OF  
3 EMPLOYMENT OR SERVICE OR IN ACCORDANCE WITH SECTION 6344.4 SHALL  
4 BE REQUIRED TO SUBMIT THE FOLLOWING INFORMATION TO AN EMPLOYER,  
5 ADMINISTRATOR, SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR  
6 EMPLOYMENT DECISIONS OR INVOLVED IN THE SELECTION OF VOLUNTEERS:

7 \* \* \*

8 (B.1) REQUIRED DOCUMENTATION TO BE MAINTAINED AND  
9 PRODUCED.--THE EMPLOYER, ADMINISTRATOR, SUPERVISOR OR OTHER  
10 PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS OR ACCEPTANCE OF THE  
11 INDIVIDUAL TO SERVE IN ANY CAPACITY IDENTIFIED IN SUBSECTION (A)  
12 (1), (2), (3), (4), (5) (I) OR (6), (A.1) OR (A.2) SHALL MAINTAIN  
13 A COPY OF THE REQUIRED INFORMATION AND REQUIRE THE INDIVIDUAL TO  
14 SUBMIT THE REQUIRED DOCUMENTS PRIOR TO EMPLOYMENT OR ACCEPTANCE  
15 TO SERVE IN ANY SUCH CAPACITY OR AS REQUIRED IN SECTION 6344.4,  
16 EXCEPT AS ALLOWED UNDER SUBSECTION (M).

17 \* \* \*

18 § 6344.2. VOLUNTEERS HAVING CONTACT WITH CHILDREN.

19 (A) APPLICABILITY.--THIS SECTION APPLIES TO AN ADULT  
20 APPLYING FOR OR HOLDING AN UNPAID POSITION AS A VOLUNTEER WITH A  
21 CHILD-CARE SERVICE, A SCHOOL OR A PROGRAM, ACTIVITY OR SERVICE,  
22 AS A PERSON RESPONSIBLE FOR THE CHILD'S WELFARE OR HAVING DIRECT  
23 VOLUNTEER CONTACT WITH CHILDREN[.] AND AN INDIVIDUAL IDENTIFIED  
24 UNDER SECTION 6344(A) (5) (II) (RELATING TO EMPLOYEES HAVING  
25 CONTACT WITH CHILDREN; ADOPTIVE AND FOSTER PARENTS).

26 (B) INVESTIGATION.--EMPLOYERS, ADMINISTRATORS, SUPERVISORS  
27 OR OTHER PERSONS RESPONSIBLE FOR SELECTION OF VOLUNTEERS SHALL  
28 REQUIRE AN APPLICANT TO SUBMIT TO ALL REQUIREMENTS SET FORTH IN  
29 SECTION 6344(B) [(RELATING TO EMPLOYEES HAVING CONTACT WITH  
30 CHILDREN; ADOPTIVE AND FOSTER PARENTS)] EXCEPT AS PROVIDED IN

1 SUBSECTION (B.1). AN EMPLOYER, ADMINISTRATOR, SUPERVISOR OR  
2 OTHER PERSON RESPONSIBLE FOR SELECTION OF VOLUNTEERS REGARDING  
3 AN APPLICABLE PROSPECTIVE VOLUNTEER UNDER THIS SECTION THAT  
4 INTENTIONALLY FAILS TO REQUIRE THE SUBMISSIONS BEFORE APPROVING  
5 THAT INDIVIDUAL COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

6 (B.1) EXCEPTION.--

7 (1) A PERSON RESPONSIBLE FOR THE SELECTION OF VOLUNTEERS  
8 UNDER THIS CHAPTER SHALL REQUIRE AN APPLICABLE PROSPECTIVE  
9 VOLUNTEER PRIOR TO THE COMMENCEMENT OF SERVICE TO SUBMIT ONLY  
10 THE INFORMATION UNDER SECTION 6344(B) (1) AND (2), IF THE  
11 FOLLOWING APPLY:

12 (I) THE POSITION THE PROSPECTIVE VOLUNTEER IS  
13 APPLYING FOR IS UNPAID OR THE PROSPECTIVE VOLUNTEER IS AN  
14 INDIVIDUAL IDENTIFIED UNDER SECTION 6344(A) (5) (II).

15 \* \* \*

16 § 6386. MANDATORY [REPORTING OF] NOTIFICATION FOR CHILDREN  
17 UNDER ONE YEAR OF AGE.

18 (A) WHEN [REPORT] NOTIFICATION IS TO BE MADE.--A HEALTH CARE  
19 PROVIDER SHALL IMMEDIATELY [MAKE A REPORT OR CAUSE A REPORT TO  
20 BE MADE TO THE APPROPRIATE COUNTY AGENCY] GIVE NOTICE OR CAUSE  
21 NOTICE TO BE GIVEN TO THE DEPARTMENT IF THE PROVIDER IS INVOLVED  
22 IN THE DELIVERY OR CARE OF A CHILD UNDER ONE YEAR OF AGE WHO IS  
23 BORN AND IDENTIFIED AS BEING AFFECTED BY [ANY OF THE FOLLOWING]:

24 (1) [ILLEGAL] SUBSTANCE [ABUSE BY THE CHILD'S MOTHER.

25 (2) WITHDRAWAL] USE OR WITHDRAWAL SYMPTOMS RESULTING  
26 FROM PRENATAL DRUG EXPOSURE [UNLESS THE CHILD'S MOTHER,  
27 DURING THE PREGNANCY, WAS:

28 (I) UNDER THE CARE OF A PRESCRIBING MEDICAL  
29 PROFESSIONAL; AND

30 (II) IN COMPLIANCE WITH THE DIRECTIONS FOR THE

1 ADMINISTRATION OF A PRESCRIPTION DRUG AS DIRECTED BY THE  
2 PRESCRIBING MEDICAL PROFESSIONAL.

3 (3) A] ; OR

4 (2) A FETAL ALCOHOL SPECTRUM DISORDER.

5 [(B) SAFETY OR RISK ASSESSMENT.--THE COUNTY AGENCY SHALL  
6 PERFORM A SAFETY ASSESSMENT OR RISK ASSESSMENT, OR BOTH, FOR THE  
7 CHILD AND DETERMINE WHETHER CHILD PROTECTIVE SERVICES OR GENERAL  
8 PROTECTIVE SERVICES ARE WARRANTED.

9 (C) COUNTY AGENCY DUTIES.--UPON RECEIPT OF A REPORT UNDER  
10 THIS SECTION, THE COUNTY AGENCY FOR THE COUNTY WHERE THE CHILD  
11 RESIDES SHALL:

12 (1) IMMEDIATELY ENSURE THE SAFETY OF THE CHILD AND SEE  
13 THE CHILD IMMEDIATELY IF EMERGENCY PROTECTIVE CUSTODY IS  
14 REQUIRED OR HAS BEEN OR SHALL BE TAKEN OR IF IT CANNOT BE  
15 DETERMINED FROM THE REPORT WHETHER EMERGENCY PROTECTIVE  
16 CUSTODY IS NEEDED.

17 (2) PHYSICALLY SEE THE CHILD WITHIN 48 HOURS OF RECEIPT  
18 OF THE REPORT.

19 (3) CONTACT THE PARENTS OF THE CHILD WITHIN 24 HOURS OF  
20 RECEIPT OF THE REPORT.

21 (4) PROVIDE OR ARRANGE REASONABLE SERVICES TO ENSURE THE  
22 CHILD IS PROVIDED WITH PROPER PARENTAL CARE, CONTROL AND  
23 SUPERVISION.]

24 (B.1) PLAN OF SAFE CARE.--THE DEPARTMENT, IN COLLABORATION  
25 WITH THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF DRUG AND  
26 ALCOHOL PROGRAMS, SHALL DEVELOP WRITTEN PROTOCOLS FOR  
27 IMPLEMENTATION OF A PLAN OF SAFE CARE THAT INCLUDE:

28 (1) ENSURING THE SAFETY AND WELL-BEING OF THE CHILD  
29 FOLLOWING RELEASE FROM THE CARE OF HEALTH CARE PROVIDERS.

30 (2) ADDRESSING THE HEALTH AND SUBSTANCE USE DISORDER



1 TREATMENT NEEDS OF:

2 (I) THE CHILD;

3 (II) THE CHILD'S MOTHER, FATHER AND ANY CAREGIVERS;

4 AND

5 (III) OTHER CHILDREN IN THE HOME.

6 (3) IDENTIFYING THE LEAD ENTITY RESPONSIBLE FOR  
7 DEVELOPMENT OF A PLAN OF SAFE CARE FOR THE CHILD.

8 (4) REQUIRING THE LEAD ENTITY TO CONVENE A  
9 MULTIDISCIPLINARY TEAM WHICH MAY INCLUDE A REPRESENTATIVE  
10 FROM THE FOLLOWING AGENCIES:

11 (I) PUBLIC HEALTH;

12 (II) MATERNAL AND CHILD HEALTH;

13 (III) HOME VISITATION PROGRAMS;

14 (IV) SUBSTANCE USE DISORDER PREVENTION AND TREATMENT  
15 PROVIDERS;

16 (V) MENTAL HEALTH PROVIDERS;

17 (VI) PUBLIC AND PRIVATE CHILDREN AND YOUTH AGENCIES;

18 (VII) EARLY INTERVENTION AND DEVELOPMENTAL SERVICES;

19 (VIII) COURTS;

20 (IX) LOCAL EDUCATION AGENCIES;

21 (X) MANAGED CARE ORGANIZATIONS AND PRIVATE INSURERS;

22 AND

23 (XI) HOSPITALS AND MEDICAL PROVIDERS.

24 (5) COLLECTING DATA TO MEET FEDERAL AND STATE REPORTING  
25 REQUIREMENTS.

26 (D) NOTIFICATION NOT DEEMED CHILD ABUSE.--NOTIFICATION TO  
27 THE DEPARTMENT OF INFANTS BORN AFFECTED BY OR EXHIBITING  
28 WITHDRAWAL FROM SUBSTANCE USE OR FETAL ALCOHOL SPECTRUM DISORDER  
29 SHALL NOT BE DEEMED CHILD ABUSE.

30 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

1           (1) THE ADDITION OF 23 PA.C.S. § 6332(C) SHALL TAKE  
2 EFFECT IN 60 DAYS.

3           (2) THE AMENDMENT OF 23 PA.C.S. § 6337(D) AND (F) SHALL  
4 TAKE EFFECT IN 365 DAYS.

5           (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
6 IMMEDIATELY.