

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 938 Session of 2017

INTRODUCED BY SABATINA, VULAKOVICH, SCARNATI, MARTIN, RAFFERTY, RESCHENTHALER, COSTA, BAKER, SCHWANK AND MENSCH, NOVEMBER 29, 2017

SENATOR BAKER, HEALTH AND HUMAN SERVICES, AS AMENDED, DECEMBER 12, 2017

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for disposition and expunction of unfounded reports
4 and general protective services reports.

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

7 Section 1. Section 6337(d) and (f) of Title 23 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 6337. Disposition and expunction of unfounded reports and
10 general protective services reports.

11 * * *

12 (d) Expunction of valid general protective services
13 reports.--Information concerning valid general protective
14 services reports shall be maintained in the Statewide database
15 as follows:

16 (1) Reports that are assessed by the county agency and
17 are determined to be valid, but are not accepted for
18 services, shall be reported to the department and entered

1 into the Statewide database. The reports shall be maintained
2 for a period of [five] 10 years[.] or until the YOUNGEST <--
3 child who is the subject of the report attains 23 years of
4 age, whichever occurs first. Following the expiration of
5 [five] 10 years after the date the report was received by the
6 department or until the YOUNGEST child who is the subject of <--
7 the report attains 23 years of age, whichever occurs first,
8 the report shall be expunged from the Statewide database as
9 soon as possible, but no later than 120 days after the [five-
10 year] 10-year period following the date the report was
11 received by the department[.] or 120 days after the YOUNGEST <--
12 child who is the subject of the report attains 23 years of
13 age, whichever 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 who is the subject of the report attains 23 years of
21 age, whichever occurs first. Following the expiration of
22 [five] 10 years after the closure of services by the county
23 agency or until the YOUNGEST child who is the subject of the <--
24 report attains 23 years of age, whichever occurs first, the
25 report shall be expunged from the Statewide database as soon
26 as possible, but no later than 120 days after the [five-year]
27 10-year period following the closure of services by the
28 county agency[.] or 120 days after the YOUNGEST child who is <--
29 the subject of the report attains 23 years of age, whichever
30 occurs first.

1 (3) The expunction of information on general protective
2 services under this subsection shall be mandated and
3 guaranteed by the department.

4 * * *

5 (f) County agency records.--Information concerning
6 protective services reports shall be maintained by a county
7 agency as follows:

8 (1) County agency records of protective services shall
9 be used and maintained in a manner that is consistent with
10 the use and maintenance of information in the Statewide
11 database, as provided under this chapter, EXCEPT AS OTHERWISE <--
12 PROVIDED IN PARAGRAPH (2). If required under this chapter to
13 amend or expunge information in the Statewide database, the
14 department shall notify the appropriate county agency of the
15 amendment or expungement within ten days. The county agency
16 shall amend or expunge its records in a commensurate manner
17 within ten days of receiving notification from the
18 department.

19 (2) A county agency may maintain information regarding
20 protective services reports that have been expunged in the
21 Statewide database on the county agency's database solely for <--
22 internal access by the county agency. No other entity may
23 have access to the information. FOR ACCESS BY THE COUNTY <--
24 AGENCY TO ASSIST IN FUTURE RISK AND SAFETY ASSESSMENTS AND
25 RESEARCH.

26 Section 2. This act shall take effect immediately.