
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1186 Session of
2018

INTRODUCED BY DINNIMAN, FONTANA, RAFFERTY, BREWSTER, YUDICHAK
AND BROWNE, MAY 31, 2018

REFERRED TO EDUCATION, MAY 31, 2018

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," in school districts, providing for
6 duty to notify county.

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

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

12 Section 223.1. Duty to Notify County.--(a) The school
13 district in which the child resides or the school responsible
14 under Article XIII to report truancy in the case of a child
15 enrolled in a public school district, charter school, cyber
16 charter school, intermediate unit or area vocational-technical
17 school shall notify the county whenever a child enrolls in a
18 home school program or cyber charter school, is truant or fails
19 to register for school upon attaining compulsory school age if:
20 (1) A child or another child in the child's household has

1 been the subject of a founded or indicated report or received
2 general protective services within the last eighteen months.

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

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

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

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

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

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

1 judicial adjudication may include any of the following:

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

3 (ii) A finding of guilt to a criminal charge.

4 (iii) A finding of dependency or delinquency under 42

5 Pa.C.S. § 6341 (relating to adjudication).

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

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

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

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

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

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

24 "General protective services." Those services and activities
25 provided by each county agency for non-abuse cases requiring
26 protective services, as defined by the Department of Human
27 Services in regulations.

28 "Indicated report." A child abuse report made pursuant to 23
29 Pa.C.S. Ch. 63 (relating to child protective services) if an
30 investigation by the county agency or the Department of Human

1 Services determines that substantial evidence of the alleged
2 abuse exists based on any of the following:

3 (1) Available medical evidence.

4 (2) The child protective service investigation.

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

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

11 (1) A parent of the child.

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

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

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

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

16 (ii) is present when and where the alleged child abuse
17 occurred; or

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

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

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

1 for-profit organization or religious or other not-for-profit
2 organization, regardless of where the child abuse occurs.

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