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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 871 Session of  
2021

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INTRODUCED BY J. WARD, COLLETT, SANTARSIERO, FONTANA, SCHWANK,  
BAKER, MENSCH, YUDICHAK, TARTAGLIONE, PITTMAN, STEFANO,  
CAPPELLETTI AND SCAVELLO, SEPTEMBER 17, 2021

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REFERRED TO AGING AND YOUTH, SEPTEMBER 17, 2021

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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 definitions, for mandatory reporting and  
4 postmortem investigation of deaths, for establishment of  
5 Statewide database, for access to information in Statewide  
6 database, for information in Statewide database, for  
7 disposition and expunction of unfounded reports and general  
8 protective services reports, for disposition of founded and  
9 indicated reports, for expunction of information of  
10 perpetrator who was under 18 years of age when child abuse  
11 was committed and for release of information in confidential  
12 reports, providing for exchange of information for placement,  
13 further providing for amendment or expunction of information,  
14 for investigating performance of county agency, for employees  
15 having contact with children and adoptive and foster parents,  
16 for audits by Attorney General, for reports to Governor and  
17 General Assembly, for penalties, for services for prevention,  
18 investigation and treatment of child abuse, for reports to  
19 department and coroner, for investigation of reports, for  
20 voluntary or court-ordered services and findings of child  
21 abuse and for evidence in court proceedings; and making  
22 editorial changes.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. The definition of "expunge" in section 6303(a)  
26 is amended and subsection (b.1)(8)(vi) of Title 23 of the  
27 Pennsylvania Consolidated Statutes is amended to read:

1 § 6303. Definitions.

2 (a) General rule.--The following words and phrases when used  
3 in this chapter shall have the meanings given to them in this  
4 section unless the context clearly indicates otherwise:

5 \* \* \*

6 ["Expunge." To strike out or obliterate entirely so that the  
7 expunged information may not be stored, identified or later  
8 recovered by any mechanical or electronic means or otherwise.]

9 \* \* \*

10 (b.1) Child abuse.--The term "child abuse" shall mean  
11 intentionally, knowingly or recklessly doing any of the  
12 following:

13 \* \* \*

14 (8) Engaging in any of the following recent acts:

15 \* \* \*

16 (vi) [Causing a child to be present at a location  
17 while a] Allowing a child to be present where  
18 methamphetamine is being produced in violation of 18  
19 Pa.C.S. § 7508.2 (relating to operation of  
20 methamphetamine laboratory) [is occurring, provided that  
21 the violation is being investigated by law enforcement].

22 \* \* \*

23 Section 2. Sections 6317, 6331(4) and (8), 6335(c)(1), (2)  
24 and (3), 6336(a)(14) and (18), 6337, 6338(b) and (c) and 6338.1  
25 heading, (a) introductory paragraph and (b) of Title 23 are  
26 amended to read:

27 § 6317. Mandatory reporting and postmortem investigation of  
28 deaths.

29 (a) Mandatory reporting.--A person or official required to  
30 report cases of suspected child abuse, including employees of a

1 county agency, who has reasonable cause to suspect that a child  
2 died as a result of child abuse shall report that suspicion to  
3 the appropriate coroner or medical examiner. The coroner or  
4 medical examiner shall accept the report for investigation and  
5 shall report his finding to the police, the district attorney,  
6 the appropriate county agency and, if the report is made by a  
7 hospital, the hospital.

8 (b) Other information.--The coroner or medical examiner  
9 shall provide the appropriate county agency with any  
10 information, as requested by the county agency, relating to the  
11 report under subsection (a) that may assist the county agency in  
12 the investigation.

13 § 6331. Establishment of Statewide database.

14 There shall be established in the department a Statewide  
15 database of protective services, which shall include the  
16 following, as provided by section 6336 (relating to information  
17 in Statewide database):

18 \* \* \*

19 (4) Unfounded reports of child abuse [awaiting  
20 expunction].

21 \* \* \*

22 (8) Reports alleging the need for general protective  
23 services that have been determined invalid [and are awaiting  
24 expunction].

25 \* \* \*

26 § 6335. Access to information in Statewide database.

27 \* \* \*

28 (c) Use by county agency or law enforcement official.--A  
29 county agency or law enforcement official may only request the  
30 information under subsection (a) for the purposes of

1 investigating reports of child abuse, assessing allegations that  
2 a child is in need of general protective services, providing  
3 protective services to a child or investigating a crime against  
4 a child criminal offense. The following shall apply where  
5 information is requested pursuant to this section:

6 (1) A law enforcement official may use information  
7 contained in the Statewide database for the purpose of  
8 investigating a criminal offense as follows:

9 (i) Information regarding indicated and founded  
10 reports may be used for any purpose authorized by this  
11 chapter.

12 (i.1) Information regarding a report of suspected  
13 child abuse that has been determined by the county agency  
14 to be unfounded may be used for a period of one year from  
15 the date the determination was made by the county agency  
16 for the purposes of investigating a crime involving harm  
17 or threatened harm to a child, an alleged violation of  
18 section 6319 (relating to penalties for failure to report  
19 or to refer) or 6349 (relating to penalties) or an  
20 alleged violation of 18 Pa.C.S. § 4906.1 (relating to  
21 false reports of child abuse) or 4958 (relating to  
22 intimidation, retaliation or obstruction in child abuse  
23 cases).

24 (ii) Information on all other reports may be used  
25 for the purposes of investigating a crime involving harm  
26 or threatened harm to a child, an alleged violation of  
27 section 6319 [(relating to penalties for failure to  
28 report or to refer)] or 6349 [(relating to penalties)] or  
29 an alleged violation of 18 Pa.C.S. § 4906.1 [(relating to  
30 false reports of child abuse)] or 4958 [(relating to

1 intimidation, retaliation or obstruction in child abuse  
2 cases)].

3 (2) A county agency may use information contained in the  
4 Statewide database as follows:

5 (i) Information regarding indicated or founded  
6 reports may be used for any purpose authorized by this  
7 chapter.

8 (i.1) A report of suspected child abuse that has  
9 been determined by the county agency to be unfounded may  
10 be used for future safety assessments, the evaluation of  
11 the appropriate provision of services and research.

12 (ii) Information on all other reports may be used  
13 for any purpose authorized by this chapter, except that  
14 information in reports that are not founded or indicated  
15 may not be used as evidence by the county agency when  
16 determining that a new report of suspected abuse is an  
17 indicated report.

18 (3) The department may use information contained in the  
19 Statewide database as follows:

20 (i) Information regarding indicated or founded  
21 reports may be used for any purpose authorized by this  
22 chapter.

23 (i.1) A report of suspected child abuse that has  
24 been determined by the county agency to be unfounded may  
25 be used for future safety assessments, the evaluation of  
26 the appropriate provision of services and research.

27 (ii) Information on all other reports may be used  
28 for any purpose authorized by this chapter, except that  
29 information in reports that are not founded or indicated  
30 may not be used as evidence by the department when

1 determining that a new report of suspected abuse is an  
2 indicated report.

3 \* \* \*

4 § 6336. Information in Statewide database.

5 (a) Information authorized.--The Statewide database shall  
6 include and shall be limited to the following information:

7 \* \* \*

8 (14) Information obtained by the department in relation  
9 to a perpetrator's or school employee's request to release[,  
10 amend or expunge] or amend information retained by the  
11 department or the county agency.

12 \* \* \*

13 (18) Unfounded reports of child abuse, limited to the  
14 information authorized under section 6337 (relating to  
15 disposition [and expunction] of unfounded reports and general  
16 protective services reports).

17 \* \* \*

18 § 6337. Disposition [and expunction] of unfounded reports and  
19 general protective services reports.

20 (a) General rule.--When a report of suspected child abuse is  
21 determined by the appropriate county agency to be an unfounded  
22 report, the information concerning that report of suspected  
23 child abuse shall be maintained [for a period of one year.  
24 Following the expiration of one year after the date the report  
25 was received by the department, the report shall be expunged  
26 from the Statewide database, as soon as possible, but no later  
27 than 120 days after the one-year period following the date the  
28 report was received by the department, and no information other  
29 than that authorized by subsection (b), which shall not include  
30 any identifying information on any subject of the report, shall

1 be retained by the department. The expunction shall be mandated  
2 and guaranteed by the department].

3 (b) Absence of other determination.--If an investigation of  
4 a report of suspected child abuse conducted by the appropriate  
5 county agency pursuant to this chapter does not determine within  
6 60 days of the date of the initial report of the instance of  
7 suspected child abuse that the report is a founded report, an  
8 indicated report or an unfounded report, or unless within that  
9 same 60-day period court action has been initiated and is  
10 responsible for the delay, the report shall be considered to be  
11 an unfounded report[, and all information identifying the  
12 subjects of the report shall be expunged no later than 120 days  
13 following the expiration of one year after the date the report  
14 was received by the department]. The agency shall advise the  
15 department that court action or an arrest has been initiated so  
16 that the Statewide database is kept current regarding the status  
17 of all legal proceedings and [expunction] any amendment is  
18 delayed.

19 [(c) Unfounded reports accepted for services.--Information  
20 on an unfounded report shall be retained in the Statewide  
21 database if the county agency has accepted the family for  
22 services and the report of suspected child abuse is clearly  
23 identified as an unfounded report. The county agency shall  
24 notify the department immediately upon closure of the case, and  
25 the report shall be expunged as soon as possible, but no later  
26 than 120 days after the one-year period following the date the  
27 family case was closed. If the subject child of the unfounded  
28 report becomes 23 years of age prior to the closure of the  
29 family case, the unfounded report shall be expunged when the  
30 subject child reaches 23 years of age.

1 (d) Expunction of valid general protective services  
2 reports.--Information concerning valid general protective  
3 services reports shall be maintained in the Statewide database  
4 as follows:

5 (1) Reports that are assessed by the county agency and  
6 are determined to be valid, but are not accepted for  
7 services, shall be reported to the department and entered  
8 into the Statewide database. The reports shall be maintained  
9 for a period of ten years or until the youngest child  
10 identified in the most recent general protective services  
11 report attains 23 years of age, whichever occurs first.  
12 Following the expiration of ten years after the date the  
13 report was received by the department or until the youngest  
14 child identified in the most recent general protective  
15 services report attains 23 years of age, whichever occurs  
16 first, the report shall be expunged from the Statewide  
17 database as soon as possible, but no later than 120 days  
18 after the ten-year period following the date the report was  
19 received by the department or the youngest child identified  
20 in the most recent general protective services report attains  
21 23 years of age, whichever occurs first.

22 (2) Reports that are assessed by the county agency and  
23 accepted for services shall be reported to the department,  
24 except as otherwise provided in subsection (f) (2), and  
25 entered into the Statewide database. The reports shall be  
26 maintained for a period of ten years after the closure of  
27 services by the county agency or until the youngest child  
28 identified in the most recent general protective services  
29 report attains 23 years of age, whichever occurs first.  
30 Following the expiration of ten years after the closure of



1 services by the county agency or until the youngest child  
2 identified in the most recent general protective services  
3 report attains 23 years of age, whichever occurs first, the  
4 report shall be expunged from the Statewide database as soon  
5 as possible, but no later than 120 days after the ten-year  
6 period following the closure of services by the county agency  
7 or the youngest child identified in the most recent general  
8 protective services report attains 23 years of age, whichever  
9 occurs first.

10 (3) The expunction of information on general protective  
11 services under this subsection shall be mandated and  
12 guaranteed by the department.]

13 (e) [~~Expunction of invalid~~] Invalid general protective  
14 services reports.--When a report alleging the need for general  
15 protective services is determined by the appropriate county  
16 agency to be an invalid report, the information concerning that  
17 report [shall be maintained for a period of one year. Following  
18 the expiration of one year after the date the report was  
19 received by the department, the report shall be expunged as soon  
20 as possible, but no later than 120 days after the one-year  
21 period following the date the report was received by the  
22 department. The expunction shall be mandated and guaranteed by  
23 the department.] may be maintained to assist in future risk and  
24 safety assessments and research.

25 (f) County agency records.--Information concerning  
26 protective services reports shall be maintained by a county  
27 agency [as follows:

28 (1)]. County agency records of protective services shall  
29 be used and maintained in a manner that is consistent with  
30 the use and maintenance of information in the Statewide

1 database, as provided under this chapter[, except as  
2 otherwise provided in paragraph (2)]. If required under this  
3 chapter to amend [or expunge] information in the Statewide  
4 database, the department shall notify the appropriate county  
5 agency of the amendment [or expungement] within ten days. The  
6 county agency shall amend [or expunge] its records in a  
7 commensurate manner within ten days of receiving notification  
8 from the department.

9 [(2) A county agency may maintain information regarding  
10 protective services reports that have been expunged in the  
11 Statewide database for access by the county agency to assist  
12 in future risk and safety assessments and research.]

13 § 6338. Disposition of founded and indicated reports.

14 \* \* \*

15 [(b) Expunction of information when child attains 23 years  
16 of age.--Except as provided in subsection (c), all information  
17 which identifies the subjects of founded and indicated child  
18 abuse reports shall be expunged when the subject child reaches  
19 the age of 23. The expunction shall be mandated and guaranteed  
20 by the department.]

21 (c) Retention of information.--The Statewide database shall  
22 indefinitely retain the names of perpetrators of child abuse and  
23 school employees who are subjects of founded or indicated  
24 reports only if the individual's Social Security number or date  
25 of birth is known to the department. [The entry in the Statewide  
26 database shall not include identifying information regarding  
27 other subjects of the report.]

28 § 6338.1. [Expunction] Amendment of information of perpetrator  
29 who was under 18 years of age when child abuse was  
30 committed.

1 (a) General rule.--[The name of a] A perpetrator who is the  
2 subject of an indicated report of child abuse and who was under  
3 18 years of age when the individual committed child abuse shall  
4 [be expunged from the Statewide database when] not be considered  
5 an indicated perpetrator after the individual reaches 21 years  
6 of age or [when] after five years have elapsed since the  
7 perpetrator's name was added to the database, whichever is  
8 later, if the individual meets all of the following:

9 \* \* \*

10 (b) Mandated [expunction] change of status--If the  
11 perpetrator meets all of the requirements under subsection (a),  
12 [the expunction shall be mandated and guaranteed by] the  
13 department shall guarantee the report is changed to unfounded  
14 and shall maintain the unfounded report in accordance with  
15 section 6335(c) (relating to access to information in Statewide  
16 database).

17 \* \* \*

18 Section 3. Section 6340(a) of Title 23 is amended by adding  
19 a paragraph and subsection (d) is amended to read:

20 § 6340. Release of information in confidential reports.

21 (a) General rule.--Reports specified in section 6339  
22 (relating to confidentiality of reports) shall only be made  
23 available to:

24 \* \* \*

25 (19) The Office of State Inspector General in  
26 conjunction with an investigation and a report involving the  
27 department under section 503-A of the act of April 9, 1929  
28 (P.L.177, No.175), known as The Administrative Code of 1929.  
29 Access to reports under this paragraph shall not include  
30 information prohibited from disclosure under Federal law or

1 the identity of a subject child or a subject child's family  
2 member or guardian. Nothing in this paragraph shall be  
3 construed to prohibit the use of a unique identifier to  
4 assist with an investigation and a report involving the  
5 department under section 503-A of The Administrative Code of  
6 1929.

7 \* \* \*

8 (d) Exclusion of information.--Except as provided under  
9 section 6341(c.2)(4) (relating to amendment [or expunction] of  
10 information), information maintained in the Statewide database  
11 obtained from an investigating agency in relation to an appeal  
12 request shall not be released to any person except a department  
13 official. Information in the Statewide database or a  
14 confidential report provided under section 6341(c.2)(4) shall be  
15 subject to subsection (c).

16 Section 4. Title 23 is amended by adding a section to read:  
17 § 6340.2. Exchange of information for placement.

18 (a) Substantiated reports.--The Juvenile Court Judges'  
19 Commission, judges with placement decision authority in  
20 dependency and delinquency matters, chief juvenile probation  
21 officers and child county welfare administrators shall receive a  
22 notice from the department that provides a basis for the  
23 substantiated outcome of an indicated or a founded report if the  
24 incident occurred in a child residential facility or child day  
25 treatment center, an approved foster or preadoptive home or a  
26 facility operated by the department's Bureau of Juvenile Justice  
27 Services.

28 (b) Quarterly reports.--The department shall prepare and  
29 provide a quarterly report to the Juvenile Court Judges'  
30 Commission, judges with placement decision authority in

1 dependency and delinquency matters, chief juvenile probation  
2 officers and child county welfare administrators. The quarterly  
3 report shall include the total number of child abuse reports and  
4 the total number of substantiated reports of abuse for the  
5 preceding quarter for all child residential facilities, child  
6 day treatment centers, approved foster or preadoptive homes and  
7 facilities operated by the department's Bureau of Juvenile  
8 Justice Services.

9 (c) Definitions.--As used in this section, the following  
10 words and phrases shall have the meanings given to them in this  
11 subsection:

12 "Child day treatment center." Unless exempted by regulation,  
13 a premises or part of a premises that is operated for a portion  
14 of a 24-hour day in which alternative education, intervention or  
15 support programs are provided to a child to prevent the child's  
16 placement in a more restrictive setting or to facilitate a  
17 child's reunification with the child's family. The term does not  
18 include any of the following:

19 (1) A mental health outpatient facility or partial  
20 hospitalization facility.

21 (2) A drug and alcohol outpatient facility.

22 (3) A facility that provides only aftercare services  
23 after the regular hours of education.

24 "Child residential facility." Unless exempted by regulation,  
25 a premises or part of a premises that is operated in a 24-hour  
26 living setting in which care is provided for a child who is not  
27 a relative of the facility operator.

28 Section 5. Sections 6341 heading, (a) (1) and (2), (b), (c),  
29 (c.1), (e) and (f), 6343(c) (1), (3) and (4), 6344(d) (1) and (2),  
30 6345 and 6347 of Title 23 are amended to read:

1 § 6341. Amendment [or expunction] of information.

2 (a) General rule.--Notwithstanding section 6338.1 (relating  
3 to [expunction] amendment of information of perpetrator who was  
4 under 18 years of age when child abuse was committed):

5 (1) At any time, the secretary may amend [or expunge]  
6 any record in the Statewide database under this chapter upon  
7 good cause shown and notice to the appropriate subjects of  
8 the report. The request shall be in writing in a manner  
9 prescribed by the department. For purposes of this paragraph,  
10 good cause shall include, but is not limited to, the  
11 following:

12 (i) Newly discovered evidence that an indicated  
13 report of child abuse is inaccurate or is being  
14 maintained in a manner inconsistent with this chapter.

15 (ii) A determination that the perpetrator in an  
16 indicated report of abuse no longer represents a risk of  
17 child abuse and that no significant public purpose would  
18 be served by the continued listing of the person as a  
19 perpetrator in the Statewide database.

20 (2) Any person named as a perpetrator, and any school  
21 employee named, in an indicated report of child abuse may,  
22 within 90 days of being notified of the status of the report,  
23 request an administrative review by, or appeal and request a  
24 hearing before, the secretary to amend [or expunge] an  
25 indicated report on the grounds that it is inaccurate or it  
26 is being maintained in a manner inconsistent with this  
27 chapter. The request shall be in writing in a manner  
28 prescribed by the department.

29 \* \* \*

30 (b) Review of grant of request.--If the secretary grants the

1 request under subsection (a) (2), the Statewide database,  
2 appropriate county agency, appropriate law enforcement officials  
3 and all subjects shall be so advised of the decision. The county  
4 agency and any subject have 90 days in which to file an  
5 administrative appeal with the secretary. If an administrative  
6 appeal is received, the secretary or [his] the secretary's  
7 designated agent shall schedule a hearing pursuant to Article IV  
8 of the act of June 13, 1967 (P.L.31, No.21), known as the  
9 [Public Welfare] Human Services Code, attending departmental  
10 regulations. If no administrative appeal is received within the  
11 designated time period, the Statewide database shall comply with  
12 the decision of the secretary and advise the county agency to  
13 amend [or expunge] the information in their records so that the  
14 records are consistent at both the State and local levels.

15 (c) Review of refusal of request.--Subject to subsection  
16 (c.1), if the secretary refuses a request under subsection (a)  
17 (1) or a request for administrative review under subsection (a)  
18 (2), or does not act within the prescribed time, the perpetrator  
19 or school employee shall have the right to appeal and request a  
20 hearing before the secretary to amend [or expunge] an indicated  
21 report on the grounds that it is inaccurate or it is being  
22 maintained in a manner inconsistent with this chapter. The  
23 request for hearing must be made within 90 days of notice of the  
24 decision. The appropriate county agency and appropriate law  
25 enforcement officials shall be given notice of the hearing. The  
26 burden of proof under subsection (a) (1) shall be on the  
27 perpetrator or school employee. The burden of proof in the  
28 hearing under subsection (a) (2) shall be on the appropriate  
29 county agency. The department shall assist the county agency as  
30 necessary.

1 (c.1) Founded reports.--A person named as a perpetrator in a  
2 founded report of child abuse [must provide] may have the report  
3 changed to an indicated report if the person provides any of the  
4 following information to the department [a]:

5 (1) A court order indicating that the underlying  
6 adjudication that formed the basis of the founded report has  
7 been reversed or vacated.

8 (2) Evidence of the successful completion of an  
9 Accelerated Rehabilitative Disposition program and removal of  
10 the related charge from the criminal report.

11 \* \* \*

12 (e) Order.--The secretary or designated agent may make any  
13 appropriate order respecting the amendment [or expunction] of  
14 such records to make them accurate or consistent with the  
15 requirements of this chapter.

16 (f) Notice of [expunction] amendment.--Written notice of an  
17 [expunction] an amendment of any child abuse record made  
18 pursuant to the provisions of this chapter shall be served upon  
19 the subject of the record who was responsible for the abuse or  
20 injury and the appropriate county agency. Except as provided in  
21 this subsection, the county agency, upon receipt of the notice,  
22 shall take appropriate, similar action in regard to the local  
23 child abuse records and inform, for the same purpose, the  
24 appropriate coroner if that officer has received reports  
25 pursuant to section 6367 (relating to reports to department and  
26 coroner). Whenever the county agency investigation reveals,  
27 within 60 days of receipt of the report of suspected child  
28 abuse, that the report is unfounded but that the subjects need  
29 services provided or arranged by the county agency, the county  
30 agency shall retain those records and shall specifically



1 identify that the report was an unfounded report of suspected  
2 child abuse. [An unfounded report regarding subjects who receive  
3 services shall be expunged no later than 120 days following the  
4 expiration of one year after the termination or completion of  
5 services provided or arranged by the county agency.]

6 \* \* \*

7 § 6343. Investigating performance of county agency.

8 \* \* \*

9 (c) Department reviews and reports of child fatalities and  
10 near fatalities.--

11 (1) The department shall conduct a child fatality and  
12 near fatality review and provide a written report on any  
13 child fatality or near fatality, if child abuse is suspected.

14 The department shall summarize:

15 (i) the circumstances of the child's fatality or  
16 near fatality;

17 (ii) the nature and extent of its review;

18 (iii) statutory and regulatory compliance by the  
19 county agency in the county where:

20 (A) the fatality or near fatality occurred; and

21 (B) the child resided within the 16 months  
22 preceding the fatality or near fatality; and

23 (iv) [its] the findings[; and

24 (v) recommendations for reducing the likelihood of  
25 future child fatalities and near fatalities resulting  
26 from child abuse].

27 \* \* \*

28 (3) Prior to completing its report, the department may  
29 release the following information to the public concerning a  
30 child who died or nearly died as a result of suspected or

1 substantiated child abuse:

2 [(i) The identity of the child, only in the case of  
3 a child's fatality.]

4 (ii) If the child was in the custody of a public or  
5 private agency, the identity of the agency.

6 (iii) The identity of the public or private agency  
7 under contract with a county agency to provide services  
8 to the child and the child's family in the child's home  
9 prior to the child's death or near fatality.

10 (iv) A description of services provided under  
11 subparagraph (iii).

12 (v) The identity of the county agency that convened  
13 a child fatality or near fatality review team with  
14 respect to the child.

15 (4) Upon completion of the review and report, the  
16 department's child fatality or near fatality report shall be  
17 made available to the county agency, the child fatality or  
18 near fatality review team and designated county officials  
19 under section 6340(a)(11) (relating to release of information  
20 in confidential reports). The report shall be made available,  
21 upon request, to other individuals to whom confidential  
22 reports may be released, as specified by section 6340. The  
23 department's report shall be made available to the public,  
24 but identifying information shall be removed from the  
25 contents of the report except for disclosure of: [the  
26 identity of a deceased child;] if the child was in the  
27 custody of a public or private agency, the identity of the  
28 agency; the identity of the public or private agency under  
29 contract with a county agency to provide services to the  
30 child and the child's family in the child's home prior to the

1 child's death or near fatality; and the identity of any  
2 county agency that convened a child fatality or near fatality  
3 review team in respect to the child. The report shall not be  
4 released to the public if the district attorney certifies  
5 that release of the report may compromise a pending criminal  
6 investigation or proceeding. Certification by the district  
7 attorney shall stay the release of the report for a period of  
8 60 days, at which time the report shall be released unless a  
9 new certification is made by the district attorney.

10 § 6344. Employees having contact with children; adoptive and  
11 foster parents.

12 \* \* \*

13 (d) Prospective adoptive or foster parents.--With regard to  
14 prospective adoptive or prospective foster parents, the  
15 following shall apply:

16 (1) In the course of causing an investigation to be made  
17 pursuant to section 2535(a) (relating to investigation), an  
18 agency or person designated by the court to conduct the  
19 investigation shall require prospective adoptive parents and  
20 any individual over the age of 18 years residing in the home  
21 to submit the information set forth in subsection (b) for  
22 review in accordance with this section. If a prospective  
23 adoptive parent, or any individual over 18 years of age  
24 residing in the home, has resided outside this Commonwealth  
25 at any time within the previous five-year period, the agency  
26 or person designated by the court shall require that person  
27 to submit a certification obtained within the previous one-  
28 year period from the Statewide [central registry] database,  
29 or its equivalent in each state in which the person has  
30 resided within the previous five-year period, as to whether

1 the person is named as a perpetrator of child abuse. If the  
2 certification shows that the person is named as a perpetrator  
3 of child abuse within the previous five-year period, the  
4 agency or person designated by the court shall forward the  
5 certification to the department for review. The agency or  
6 person designated by the court shall not approve the  
7 prospective adoptive parent if the department determines that  
8 the person is named as the equivalent of a perpetrator of a  
9 founded report of child abuse within the previous five-year  
10 period.

11 (2) In the course of approving a prospective foster  
12 parent, a foster family care agency shall require prospective  
13 foster parents and any individual over the age of 18 years  
14 residing in the home to submit the information set forth in  
15 subsection (b) for review by the foster family care agency in  
16 accordance with this section. If a prospective foster parent,  
17 or any individual over 18 years of age residing in the home,  
18 has resided outside this Commonwealth at any time within the  
19 previous five-year period, the foster family care agency  
20 shall require that person to submit a certification obtained  
21 within the previous one-year period from the Statewide  
22 central [registry] database, or its equivalent in each state  
23 in which the person has resided within the previous five-year  
24 period, as to whether the person is named as a perpetrator of  
25 child abuse. If the certification shows that the person is  
26 named as a perpetrator of child abuse within the previous  
27 five-year period, the foster family care agency shall forward  
28 the certification to the department for review. The foster  
29 family care agency shall not approve the prospective foster  
30 parent if the department determines that the person is named

1 as the equivalent of a perpetrator of a founded report of  
2 child abuse within the previous five-year period. In  
3 addition, the foster family care agency shall consider the  
4 following when assessing the ability of applicants for  
5 approval as foster parents:

6 \* \* \*

7 § 6345. Audits by Attorney General.

8 The Attorney General shall conduct a mandated audit done  
9 randomly but at least once during each year on an unannounced  
10 basis to ensure that the [expunction] amendment requirements of  
11 this chapter are being fully and properly conducted.

12 § 6347. Reports to Governor and General Assembly.

13 (a) General rule.--No later than May 1 of every year, the  
14 secretary shall prepare and transmit to the Governor and the  
15 General Assembly a report on the operations of the Statewide  
16 database and protective services provided by county agencies.  
17 The report shall include a full statistical analysis of the  
18 reports of suspected child abuse made to the department and the  
19 reports of general protective services made to the department or  
20 county agencies, together with a report on the implementation of  
21 this chapter and its total cost to the Commonwealth, the  
22 evaluation of the secretary of services offered under this  
23 chapter and recommendations for repeal or for additional  
24 legislation to fulfill the purposes of this chapter. All such  
25 recommendations should contain an estimate of increased or  
26 decreased costs resulting therefrom. The report shall also  
27 include an explanation of services provided to children who were  
28 the subjects of founded or indicated reports while receiving  
29 child-care services. The department shall also describe its  
30 actions in respect to the perpetrators of the abuse. The

1 secretary shall include, if available, relevant demographic  
2 information for the reports of suspected child abuse made to the  
3 department and the reports of general protective services made  
4 to the department or county agencies.

5 (b) Reports from county agencies.--To assist the department  
6 in preparing its annual report and the quarterly reports  
7 required under subsection (c), each county agency shall submit a  
8 quarterly report to the department, including, at a minimum, the  
9 following information, on an aggregate basis, regarding general  
10 protective services and child protective services:

11 (1) The number of referrals received and referrals  
12 accepted.

13 (2) The number of children over whom the agency  
14 maintains continuing supervision.

15 (3) The number of cases which have been closed by the  
16 agency.

17 (4) The services provided to children and their  
18 families.

19 (5) A summary of the findings with nonidentifying  
20 information about each case of child abuse or neglect which  
21 has resulted in a child fatality or near fatality.

22 (6) Relevant demographic information, if available, for  
23 the information specified under paragraphs (1), (2), (3), (4)  
24 and (5).

25 (c) Quarterly reports.--

26 (1) The department shall prepare and transmit to the  
27 Governor and the General Assembly [a] quarterly [report]  
28 reports that [includes a summary of the findings with  
29 nonidentifying information about each case of child abuse or  
30 neglect that has resulted in a child fatality or near

1 fatality.] provide aggregate data on substantiated child  
2 fatality and near fatality reports, including all of the  
3 following:

4 (i) The number of reports.

5 (ii) The type of abuse.

6 (iii) The age of the victim child at the time of the  
7 incident.

8 (iv) The relationship of the perpetrator to the  
9 victim child.

10 (v) If the victim child was known to the child  
11 welfare system within the last sixteen months.

12 (2) One of the quarterly reports may be included within  
13 the annual report required under subsection (a).

14 (d) Reporting to standing committees.--

15 (1) No less than twice annually, the Secretary or the  
16 Deputy Secretary of the Office of Children, Youth and  
17 Families of the department shall appear in person before the  
18 Aging and Youth Committee and the Appropriations Committee of  
19 the Senate and the Children and Youth Committee and the  
20 Appropriations Committee of the House of Representatives to  
21 discuss all of the following:

22 (i) The previous two quarterly reports provided  
23 under subsection (c).

24 (ii) Issues relating to the provisions of this  
25 chapter and child protection in this Commonwealth  
26 generally.

27 (2) The chairperson and minority chairperson of the  
28 Aging and Youth Committee of the Senate, the chairperson and  
29 minority chairperson of the Appropriations Committee of the  
30 Senate, the chairperson and minority chairperson of the

1 Children and Youth Committee of the House of Representatives  
2 and the chairperson and minority chairperson of the  
3 Appropriations Committee of the House of Representatives may,  
4 upon agreement of all chairpersons and minority chairpersons  
5 and in writing to the secretary, waive the in-person meeting  
6 under paragraph (1).

7 Section 6. Sections 6349(a) of Title 23 is amended to read:

8 § 6349. Penalties.

9 (a) Failure to amend [or expunge] information.--

10 (1) A person or official authorized to keep the records  
11 mentioned in section 6337 (relating to disposition [and  
12 expunction] of unfounded reports and general protective  
13 services reports) or 6338 (relating to disposition of founded  
14 and indicated reports) who willfully fails to amend [or  
15 expunge] the information when required commits a misdemeanor  
16 of the third degree for the first violation and a misdemeanor  
17 of the second degree for a second or subsequent violation.

18 (2) A person who willfully fails to obey a final order  
19 of the secretary or designated agent of the secretary to  
20 amend [or expunge] the summary of the report in the Statewide  
21 database or the contents of any report filed pursuant to  
22 section 6313 (relating to reporting procedure) commits a  
23 misdemeanor of the third degree.

24 Section 7. Section 6365(d) and (e) of Title 23, amended June  
25 30, 2021 (P.L., No.42), are amended and the section is amended  
26 by adding a subsection to read:

27 § 6365. Services for prevention, investigation and treatment of  
28 child abuse.

29 \* \* \*

30 (d) Child fatality or near fatality review team and written



1 report.--

2 (1) A child fatality or near fatality review team shall  
3 be convened by a county agency in accordance with a protocol  
4 developed by the county agency, the department and the  
5 district attorney in a case when a child dies or nearly dies  
6 as a result of child abuse as to which there is an indicated  
7 report or when the county agency has not made a status  
8 determination within 30 days. The team may convene after a  
9 county agency makes a determination of an indicated report  
10 and shall convene no later than [31] 60 days from the receipt  
11 of the oral report to the department of the suspected child  
12 abuse. A county agency in the county where the abuse occurred  
13 and in any county where the child resided within the 16  
14 months preceding the fatality or near fatality shall convene  
15 a child fatality or near fatality review team. A team shall  
16 consist of at least six individuals who are broadly  
17 representative of the county where the team is established  
18 and who have expertise in prevention and treatment of child  
19 abuse. With consideration given to the circumstances of each  
20 case and availability of individuals to serve as members, the  
21 team may consist of the following individuals:

22 (i) A staff person from the county agency.

23 (ii) A member of the advisory committee of the  
24 county agency.

25 (iii) A health care professional.

26 (iv) A representative of a local school, educational  
27 program or child care or early childhood development  
28 program.

29 (v) A representative of law enforcement or the  
30 district attorney.

1 (vi) An attorney-at-law trained in legal  
2 representation of children or an individual trained under  
3 42 Pa.C.S. § 6342 (relating to court-appointed special  
4 advocates).

5 (vii) A mental health professional.

6 (viii) A representative of a children's advocacy  
7 center that provides services to children in the county.  
8 The individual under this subparagraph must not be an  
9 employee of the county agency.

10 (ix) The county coroner or forensic pathologist.

11 (x) A representative of a local domestic violence  
12 program.

13 (xi) A representative of a local drug and alcohol  
14 program.

15 (xii) An individual representing parents.

16 (xiii) Any individual whom the county agency or  
17 child fatality or near fatality review team determines is  
18 necessary to assist the team in performing its duties.

19 (1.1) A county agency may convene a regional review team  
20 that meets all of the requirements under paragraph (1) to  
21 satisfy the county agency's responsibilities under this  
22 subsection.

23 (2) Members of the team shall be responsible for all of  
24 the following:

25 (i) Maintaining confidentiality of information under  
26 sections 6339 (relating to confidentiality of reports)  
27 and 6340.

28 (ii) Providing and discussing relevant case-specific  
29 information.

30 (iii) Attending and participating in all meetings

1 and activities as required.

2 (iv) Assisting in the development of the report  
3 under paragraph (4) (v).

4 (3) The county agency, in accordance with the protocol  
5 and in consultation with the team, shall appoint an  
6 individual who is not an employee of the county agency to  
7 serve as chairperson.

8 (4) The team shall perform the following:

9 (i) Review the circumstances of the child's fatality  
10 or near fatality resulting from suspected or  
11 substantiated child abuse.

12 (ii) Review the delivery of services to the abused  
13 child and the child's family provided by the county  
14 agency and review services provided to the perpetrator by  
15 the county agency in each county where the child and  
16 family resided within the 16 months preceding the  
17 fatality or near fatality and the services provided to  
18 the child, the child's family and the perpetrator by  
19 other public and private community agencies or  
20 professionals. This subparagraph includes law  
21 enforcement, mental health services, programs for young  
22 children and children with special needs, drug and  
23 alcohol programs, local schools and health care  
24 providers.

25 (iii) Review relevant court records and documents  
26 related to the abused child and the child's family.

27 (iv) Review the county agency's compliance with  
28 statutes and regulations and with relevant policies and  
29 procedures of the county agency.

30 (v) Within [90] 60 days of convening, submit a final

1 written report on the child fatality or near fatality to  
2 the department and designated county officials under  
3 section 6340(a)(11). Within 30 days after submission of  
4 the report to the department, the report shall be made  
5 available, upon request, to other individuals to whom  
6 confidential reports may be released, as specified by  
7 section 6340. The report shall be made available to the  
8 public, but identifying information shall be removed from  
9 the contents of the report except for [disclosure of: the  
10 identity of a deceased child;] the following: if the  
11 child was in the custody of a public or private agency,  
12 the identity of the agency; the identity of the public or  
13 private agency under contract with a county agency to  
14 provide services to the child and the child's family in  
15 the child's home prior to the child's death or near  
16 fatality; and the identity of any county agency that  
17 convened a child fatality or near fatality review team in  
18 respect to the child. The report shall not be released to  
19 the public if the district attorney certifies that  
20 release of the report may compromise a pending criminal  
21 investigation or proceeding. Certification by the  
22 district attorney shall stay the release of the report  
23 for a period of 60 days, at which time the report shall  
24 be released unless a new certification is made by the  
25 district attorney. The report shall include:

26 (A) Deficiencies and strengths in:

27 (I) compliance with statutes and  
28 regulations; and

29 (II) services to children and families.

30 (B) Recommendations for changes at the State and

1 local levels on:

2 (I) reducing the likelihood of future child  
3 fatalities and near fatalities directly related  
4 to child abuse and neglect;

5 (II) monitoring and inspection of county  
6 agencies; and

7 (III) collaboration of community agencies  
8 and service providers to prevent child abuse and  
9 neglect.

10 \* \* \*

11 [(e) Response by department.--Within 45 days of receipt of a  
12 report of a child fatality or near fatality under subsection  
13 (d), the department shall review the findings and  
14 recommendations of the report and provide a written response to  
15 the county agency and the child fatality review team or near  
16 fatality review team. The department's response to the report of  
17 the child fatality or near fatality review team shall be made  
18 available, upon request, to other individuals to whom  
19 confidential reports may be released, as specified by section  
20 6340. The department's response shall be made available to the  
21 public, but identifying information shall be removed from the  
22 contents of the response, except for disclosure of: the identity  
23 of a deceased child; if the child was in the custody of a public  
24 or private agency, the identity of the agency; the identity of  
25 the public or private agency under contract with a county agency  
26 to provide services to the child and the child's family in the  
27 child's home prior to the child's death or near fatality; and  
28 the identity of any county agency that convened a child fatality  
29 or near fatality review team in respect to the child. The  
30 response shall not be released to the public if the district

1 attorney certifies that release of the response may compromise a  
2 pending criminal investigation or proceeding. Certification by  
3 the district attorney shall stay the release of the report for a  
4 period of 60 days, at which time the report shall be released  
5 unless a new certification is made by the district attorney.]

6 (e.1) Reviews by department.--

7 (1) The department shall conduct a review of child  
8 fatality and near fatality reports and data required under  
9 subsection (d)(4) on a continual basis and make an annual  
10 data summary report available on the department's publicly  
11 accessible Internet website.

12 (2) The review under paragraph (1) shall include  
13 recommendations for prevention efforts on the State and local  
14 levels.

15 (3) The department may convene a multidisciplinary team  
16 with members who are broadly representative of this  
17 Commonwealth and who have expertise in the prevention and  
18 treatment of child abuse. Members of the team under this  
19 paragraph may review confidential information under section  
20 6339 only to the extent the confidential information is  
21 required to complete the review.

22 \* \* \*

23 Section 8. Sections 6367(b), 6368(d), (f) and (l), 6370(b)  
24 and 6381(a) of Title 23 are amended to read:

25 § 6367. Reports to department and coroner.

26 \* \* \*

27 (b) Reports to coroner or medical examiner.--

28 (1) The county agency shall give telephone notice and  
29 forward immediately a copy of reports made pursuant to this  
30 chapter which involve the death of a child to the appropriate

1 coroner or medical examiner pursuant to section 6317  
2 (relating to mandatory reporting and postmortem investigation  
3 of deaths).

4 (2) The county agency shall provide the appropriate  
5 coroner or medical examiner with any information relating to  
6 the reports made pursuant to this chapter which involve the  
7 death of a child that may assist the coroner or medical  
8 examiner in the investigation of the child's death.

9 \* \* \*

10 § 6368. Investigation of reports.

11 \* \* \*

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

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

17 (2) If the investigation indicates bodily injury, the  
18 county agency may require that a medical examination by a  
19 certified medical practitioner be performed on the child.

20 (3) Where there is reasonable cause to suspect that  
21 there is a history of prior or current abuse, the medical  
22 practitioner has the authority to arrange for further medical  
23 tests or the county agency has the authority to request  
24 further medical tests.

25 (4) The investigation shall include interviews with all  
26 subjects of the report, including the alleged perpetrator. If  
27 a subject of the report is not able to be interviewed or  
28 cannot be located, the county agency shall document its  
29 reasonable efforts to interview the subject and the reasons  
30 for its inability to interview the subject. The interview may

1 be reasonably delayed if notice of the investigation has been  
2 delayed pursuant to subsection (m).

3 (5) If there is evidence in the investigation that  
4 substance use may be a contributing factor causing the  
5 alleged abuse or neglect, the county agency may seek a court  
6 order to compel appropriate drug and alcohol screening.

7 \* \* \*

8 (f) Final determination.--Immediately upon conclusion of the  
9 child abuse investigation, the county agency shall provide the  
10 results of its investigation to the department in a manner  
11 prescribed by the department. Within three business days of  
12 receipt of the results of the investigation from the county  
13 agency, the department shall send notice of the final  
14 determination to the subjects of the report, other than the  
15 abused child. The determination shall include the following  
16 information:

17 (1) The status of the report.

18 (2) The perpetrator's right to request the secretary to  
19 amend [or expunge] the report.

20 (3) The right of the subjects of the report to services  
21 from the county agency.

22 (4) The effect of the report upon future employment  
23 opportunities involving children.

24 (5) The fact that the name of the perpetrator, the  
25 nature of the abuse and the final status of a founded or  
26 indicated report will be entered in the Statewide database,  
27 if the perpetrator's Social Security number or date of birth  
28 are known.

29 (6) The perpetrator's right to file an appeal of an  
30 indicated finding of abuse pursuant to section 6341 (relating



1 to amendment [or expunction] of information) within 90 days  
2 of the date of notice.

3 (7) The perpetrator's right to a fair hearing on the  
4 merits on an appeal of an indicated report filed pursuant to  
5 section 6341.

6 (8) The burden on the investigative agency to prove its  
7 case by substantial evidence in an appeal of an indicated  
8 report.

9 \* \* \*

10 (1) Notice of investigation.--

11 (1) Prior to interviewing a subject of a report, the  
12 county agency shall orally notify the subject, except for the  
13 alleged victim, who is about to be interviewed of the  
14 following information:

15 (i) The existence of the report.

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

19 (iii) The subject's rights pursuant to this chapter  
20 in regard to amendment [or expungement].

21 (iv) The subject's right to have an attorney present  
22 during the interview.

23 (2) Written notice shall be given to the subject within  
24 72 hours following oral notification, unless delayed as  
25 provided in subsection (m).

26 \* \* \*

27 § 6370. Voluntary or court-ordered services; findings of child  
28 abuse.

29 \* \* \*

30 (b) Initiation of court proceeding.--

1 (1) In those cases in which an appropriate offer of  
2 service is refused and the county agency determines that the  
3 best interests of the child require court action, the county  
4 agency shall initiate the appropriate court proceeding. The  
5 county agency shall assist the court during all stages of the  
6 court proceeding in accordance with the purposes of this  
7 chapter.

8 (2) (i) If the county agency deems it appropriate in a  
9 dependency or delinquency proceeding, including an instance  
10 in which the alleged perpetrator has access or poses a threat  
11 to a child, the county agency may petition the court under 42  
12 Pa.C.S. Ch. 63 (relating to juvenile matters) for a finding  
13 of child abuse.

14 (ii) If the court makes a specific finding that  
15 child abuse as defined by this chapter has not occurred,  
16 the county agency shall consider the court's finding to  
17 be a determination that the report of suspected abuse was  
18 an unfounded report. The county agency shall immediately  
19 notify the department of the change in the status of the  
20 report from an indicated report to an unfounded report.  
21 Upon notice, the department shall be responsible for  
22 [~~expunging~~] amending the indicated report consistent with  
23 the [~~expunction~~] amendment requirements of this chapter.

24 [(iii) If there is a determination that the subjects  
25 of the unfounded report need services provided or  
26 arranged by the county agency, the county agency may  
27 retain those records only if it specifically identifies  
28 the report as an unfounded report of suspected child  
29 abuse.]

30 § 6381. Evidence in court proceedings.

1 (a) General rule.--In addition to the rules of evidence  
2 provided under 42 Pa.C.S. Ch. 63 (relating to juvenile matters),  
3 the rules of evidence in this section shall govern in child  
4 abuse proceedings in court or in any department administrative  
5 hearing pursuant to section 6341 (relating to amendment [or  
6 expunction] of information).

7 \* \* \*

8 Section 9. This act shall take effect in 180 days.