

AMENDMENTS TO SENATE BILL NO. 24

Sponsor:

Printer's No. 683

1 Amend Bill, page 1, lines 3 through 5, by striking out
2 "establishment of pending complaint file," in line 3, all of
3 line 4 and "providing" in line 5 and inserting
4 definitions; providing for electronic reporting; further
5 providing for mandatory reporting and post mortem investigation
6 of deaths; providing for responsibility for investigation, for
7 access to reports, for disposition of initial reports, for
8 disposition of reports, for cooperation with county agency and
9 Amend Bill, page 1, line 6, by striking out "and"

10 Amend Bill, page 1, lines 7 and 8, by striking out "and for
11 disposition of founded and indicated reports" and inserting
12 confidentiality of reports and for release of information
13 in confidential reports; and providing for background
14 checks

15 Amend Bill, page 1, lines 11 through 19; page 2, lines 1
16 through 30; page 3, lines 1 through 19, by striking out all of
17 said lines on said pages and inserting

18 Section 1. Section 6303(a) of Title 23 of the Pennsylvania
19 Consolidated Statutes is amended by adding definitions to read:
20 § 6303. Definitions.

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

24 * * *

25 "Electronic technologies." The transfer of information in
26 whole or in part by technology having electrical, digital,
27 magnetic, wireless, optical, electromagnetic, photo-electronic
28 or photo-optical systems, or similar capabilities. The term
29 includes e-mail, Internet communication or other means of
30 electronic transmission.

31 * * *

1 "Law enforcement official." The term includes the following:

2 (1) A Pennsylvania district attorney.

3 (2) A Pennsylvania State Police officer.

4 (3) A municipal police officer.

5 * * *

6 Section 2. Title 23 is amended by adding a section to read:
7 § 6304. Electronic reporting.

8 (a) Departmental procedures.--The department shall establish
9 procedures for the secure use of electronic technologies to
10 transmit information under this chapter.

11 (b) Confirmation of reports.--A confirmation by the
12 department of the receipt of a report of suspected child abuse
13 submitted electronically shall relieve the person making the
14 report of making an additional oral or written report of
15 suspected child abuse, subject to section 6313 (relating to
16 reporting procedure).

17 (c) Effect on other law.--Nothing in this chapter shall be
18 construed to supersede the act of December 16, 1999 (P.L.971,
19 No.69), known as the Electronic Transactions Act.

20 Section 3. Section 6317 of Title 23 is amended to read:
21 § 6317. Mandatory reporting and postmortem investigation of
22 deaths.

23 A person or official required to report cases of suspected
24 child abuse, including employees of a county agency, who has
25 reasonable cause to suspect that a child died as a result of
26 child abuse shall report that suspicion to the appropriate
27 coroner or medical examiner. The coroner or medical examiner
28 shall accept the report for investigation and shall report his
29 finding to the police, the district attorney, the appropriate
30 county agency and, if the report is made by a hospital, the
31 hospital.

32 Section 4. Chapter 63 of Title 23 is amended by adding a
33 subchapter to read:

34 SUBCHAPTER B.1

35 INVESTIGATION AND REPORTING

36 Sec.

37 6321. Responsibility for investigation.

38 6322. Access to reports.

39 6323. Disposition of initial reports.

40 6324. Disposition of reports.

41 6325. (Reserved).

42 6326. (Reserved).

43 6327. Cooperation.

44 § 6321. Responsibility for investigation.

45 The department shall establish procedures regarding the
46 following different responses to address suspected child abuse
47 and protective services depending on the person allegedly
48 committing the suspected child abuse or causing a child to be in
49 need of protective services:

50 (1) If the suspected child abuse is alleged to have been
51 committed by a perpetrator, the appropriate county agency

1 shall investigate the allegation.

2 (2) If the suspected child abuse is alleged to have been
3 committed by a perpetrator and the behavior constituting the
4 suspected child abuse may include a criminal offense, the
5 appropriate county agency and law enforcement official shall
6 jointly investigate the allegation as required by this
7 chapter.

8 (3) If the suspected child abuse is alleged to have been
9 committed by a person who is not a perpetrator, law
10 enforcement officials where the suspected child abuse is
11 alleged to have occurred shall be solely responsible for
12 investigating the allegation.

13 (4) If a child is alleged to be in need of other
14 protective services, the appropriate county agency shall
15 assess the needs of the child as provided under this chapter.

16 § 6322. Access to reports.

17 (a) Continuous access.--The department shall be capable of
18 the following on a 24-hour, seven-day-a-week basis:

19 (1) Receiving reports and referrals of suspected child
20 abuse and children in need of protective services.

21 (2) Responding to requests for information from county
22 agencies and law enforcement officials under section 6335.1
23 (relating to access to information in Statewide database).

24 (3) Monitoring the provision of protective services.

25 (b) Continuous availability.--Each county agency shall, on a
26 24-hour, seven-day-a-week basis, receive reports of suspected
27 child abuse from the department under section 6323(b) (relating
28 to disposition of initial reports) or the general public in
29 accordance with the county agency child protective services
30 plan.

31 (c) Verification of need.--Information may be released under
32 section 6335.1 if a request for information is made orally or in
33 writing and the department has done all of the following:

34 (1) Identified the requester, including electronic
35 verification of the requester's identity.

36 (2) Determined whether the requester is authorized to
37 obtain the information under section 6335.1.

38 (3) Provided notice to the requester that access and
39 dissemination of the information is restricted as provided by
40 this chapter.

41 § 6323. Disposition of initial reports.

42 (a) Receipt of reports.--The department shall immediately
43 transmit a written notice to the county agency and law
44 enforcement officials where the suspected child abuse is alleged
45 to have occurred. The notice shall contain the following
46 information:

47 (1) Notice that a complaint of suspected child abuse by
48 a perpetrator has been received.

49 (2) The substance of the complaint.

50 (3) An entry of a prior report or a current
51 investigation concerning a subject of the report.

1 (b) Receipt of reports by county.--After ensuring the
2 immediate safety of the child and any other child in the child's
3 home, a county agency or law enforcement official that receives
4 a report of suspected child abuse shall immediately notify the
5 department of the report. If the report is an oral report, the
6 county agency or law enforcement official shall collect the
7 required information and submit a written report to the
8 department within 48 hours.

9 (c) Referral to law enforcement.--If the department receives
10 a report of suspected child abuse that alleges that a criminal
11 offense has been committed, the department shall immediately
12 transmit an oral or written notice to law enforcement officials
13 in the county where the suspected child abuse is alleged to have
14 occurred. The notice shall contain the following information in
15 accordance with this chapter:

16 (1) Receipt of a complaint of suspected child abuse.

17 (2) The substance of the complaint.

18 (3) An entry in the Statewide database of a prior report
19 or a current investigation concerning a subject of the
20 report.

21 (d) Notice of joint referrals.--When a report is referred to
22 the county agency under subsection (a) or (c), the notice shall
23 include the name and contact information of any persons
24 receiving the referral, if known.

25 (e) Ability of law enforcement to receive reports.--The
26 district attorney of the county where the suspected child abuse
27 is alleged to have occurred shall designate up to three
28 recipients to receive reports under subsection (c) and shall
29 provide contact information for each recipient to the department
30 for that purpose.

31 (f) Jurisdictional overlap.--If the residency of any subject
32 of a report is a factor that requires the cooperation of more
33 than one county agency or another state, the department shall
34 ensure the cooperation of those agencies in carrying out the
35 requirements of this chapter.

36 (g) Referral.--If the complaint received does not indicate a
37 need for protective services, but indicates a need for other
38 services, or investigation, the department shall transmit the
39 information to the county or other public agency for appropriate
40 action. The information shall not be considered a child abuse
41 report unless the county agency has reasonable cause to suspect
42 that abuse occurred. If the county agency investigation
43 indicates reasonable cause to suspect that abuse occurred, the
44 county agency shall notify the department and the initial
45 complaint shall be considered to be a child abuse report.

46 § 6324. Disposition of reports.

47 (a) Resident child.--A report of suspected child abuse by a
48 perpetrator occurring in another state shall be referred by the
49 department to the county agency and, where appropriate, to law
50 enforcement officials when the child resides in this
51 Commonwealth and shall be investigated as any other report of

1 suspected child abuse by a perpetrator if all of the following
2 apply:

3 (1) The child victim is a resident of this Commonwealth.

4 (2) The other state's child protective services agency
5 fails to investigate the report.

6 (b) Resident alleged perpetrator.--

7 (1) If suspected child abuse occurs in a jurisdiction
8 other than this Commonwealth and the alleged perpetrator is a
9 resident of this Commonwealth, the report of suspected child
10 abuse shall be referred to the county agency where the
11 alleged perpetrator resides.

12 (2) The county agency shall do all of the following:

13 (i) Contact the children and youth social service
14 agency of the jurisdiction in which the suspected child
15 abuse occurred.

16 (ii) Investigate the suspected child abuse, either
17 alone or in cooperation with the other agency.

18 (c) Copies of report.--A copy of the report of suspected
19 child abuse shall be provided to the other state's child
20 protective services agency and, if appropriate, to law
21 enforcement officials where the incident occurred.

22 (d) Communication.--Reports and information under this
23 section shall be provided within seven calendar days of
24 completion of the investigation.

25 § 6325. (Reserved).

26 § 6326. (Reserved).

27 § 6327. Cooperation.

28 (a) General rule.--Commonwealth agencies, political
29 subdivisions, a county agency, law enforcement official or any
30 other agency providing services under the county plan for
31 protective services shall provide any assistance and data to the
32 department that will enable the department, the county agency
33 and law enforcement officials to fulfill their responsibilities.

34 (b) Willful failure to cooperate.--

35 (1) At the request of the department or county agency to
36 provide all information relating to an investigation of
37 suspected child abuse or a safety or risk assessment of a
38 child, individual, agency, school, hospital or health care
39 provider shall immediately provide information requested to
40 the department or county agency if the information relates to
41 suspected child abuse or a safety or risk assessment.

42 (2) No individual, except a law enforcement official,
43 may prohibit the department or county agency from
44 interviewing the child who is the subject of suspected child
45 abuse. Parental consent shall not be required prior to the
46 child's being interviewed by the department or county agency.

47 (3) The following shall apply:

48 (i) Any person failing to timely produce the
49 requested information under this section commits a
50 misdemeanor of the third degree.

51 (ii) Any person barring, inhibiting or precluding

1 sufficient access to the subject child commits a
2 misdemeanor of the second degree.

3 (c) Cooperation of county and law enforcement.--A county
4 agency and law enforcement official shall cooperate, to the
5 fullest extent possible, to respond to and investigate reports
6 of suspected child abuse. Counties shall exchange information
7 and cooperate to investigate reports and provide services to
8 children who may move from one county to another.

9 (d) Advice to county agency.--If a report of suspected child
10 abuse is referred from a county agency to a law enforcement
11 official under section 6340(a) (9) and (10) (relating to release
12 of information in confidential reports), the law enforcement
13 official shall expeditiously advise the county agency of the
14 progress of a criminal investigation, the results of the
15 investigation and any criminal prosecution. The county agency
16 shall refer the information to the Statewide database.

17 Section 5. Title 23 is amended by adding a section to read:

18 Amend Bill, page 3, line 23, by striking out "agency" and
19 inserting

20 official

21 Amend Bill, page 3, line 24, by inserting after "number"

22 , or any manner prescribed by the department,

23 Amend Bill, page 3, line 29, by striking out "agency" where
24 it occurs the second time and inserting

25 official

26 Amend Bill, page 3, line 30, by inserting after "Use"

27 by county or law enforcement agency

28 Amend Bill, page 3, line 30, by striking out "agency" where
29 it occurs the second time and inserting

30 official

31 Amend Bill, page 4, by inserting between lines 16 and 17

32 (b.1) Use by district attorney.--The district attorney or a
33 person specifically designated in writing by the district
34 attorney may request information for the purposes of
35 investigating allegations of criminal conduct, as set forth in
36 section 6340(a) (9) and (10) (relating to release of information
37 in confidential reports).

38 Amend Bill, page 5, line 12, by striking out "Requests using
39 advanced communication" and inserting

1 Electronic

2 Amend Bill, page 5, line 15, by striking out "6322(d)" and
3 inserting

4 6322(c)

5 Amend Bill, page 5, lines 15 and 16, by striking out "report
6 reception" and inserting

7 access to reports

8 Amend Bill, page 5, line 17, by striking out all of said line
9 and inserting

10 Section 6. Section 6336 of Title 23 is repealed:

11 Amend Bill, page 7, line 14, by inserting a bracket after
12 "6340."

13 Amend Bill, page 7, lines 15 through 30; page 8, lines 1
14 through 20, by striking out all of said lines on said pages and
15 inserting

16 Section 7. Sections 6339 and 6340(a)(2), (9), (10), (12) and
17 (13), (b), (c) and (d) of Title 23 are amended to read:

18 § 6339. Confidentiality of reports.

19 Except as otherwise provided in this subchapter, reports made
20 pursuant to this chapter, including, but not limited to, report
21 summaries of child abuse and [written] reports made pursuant to
22 section [6313(b) and (c)] 6313 (relating to reporting procedure)
23 as well as any other information obtained, reports written or
24 photographs or X-rays taken concerning alleged instances of
25 child abuse in the possession of the department or a county
26 agency shall be confidential.

27 § 6340. Release of information in confidential reports.

28 (a) General rule.--Reports specified in section 6339
29 (relating to confidentiality of reports) shall only be made
30 available to:

31 * * *

32 [(2) A physician examining or treating a child or the
33 director or a person specifically designated in writing by
34 the director of any hospital or other medical institution
35 where a child is being treated when the physician or the
36 director or the designee of the director suspects the child
37 of being an abused child or a child alleged to be in need of
38 protection under this chapter.]

39 * * *

40 (9) Law enforcement officials of any jurisdiction, as

1 long as the information is relevant in the course of
2 investigating cases of:

3 (i) Homicide or other criminal offense set forth in
4 section 6344(c) (relating to information relating to
5 prospective child-care personnel), sexual abuse[, sexual]
6 or exploitation, bodily injury or serious bodily injury
7 [or serious physical injury perpetrated by persons
8 whether or not related to the victim] caused by a
9 perpetrator or nonperpetrator.

10 (ii) [Child abuse perpetrated by persons who are not
11 family members.] Child abuse other than that identified
12 under subparagraph (i) by a nonperpetrator.

13 (iii) Repeated physical injury to a child under
14 circumstances which indicate that the child's health,
15 safety or welfare is harmed or threatened.

16 (iv) A missing child report.

17 (10) The district [attorney or his designee] attorney's
18 office or other law enforcement official, as set forth in
19 [the] county protocols for multidisciplinary investigative
20 teams required in section 6365(c) (relating to services for
21 prevention, investigation and treatment of child abuse),
22 shall receive, immediately after the county agency has
23 ensured the safety of the child, reports of abuse [, either
24 orally or in writing,] according to regulations [promulgated
25 by the department], from the department or county agency in
26 which the initial report of suspected child abuse or initial
27 inquiry into the report gives evidence that the abuse is:

28 (i) a criminal offense set forth [in] under section
29 6344(c), not including an offense under 18 Pa.C.S. § 4304
30 (relating to endangering welfare of children) or an
31 equivalent crime under Federal law or [the] law of
32 another state[, sexual abuse, sexual exploitation or
33 serious bodily injury perpetrated by persons, whether or
34 not related to the victim]; or

35 (ii) child abuse [perpetrated by persons who are not
36 family members; or

37 (iii) serious physical injury involving extensive
38 and severe bruising, burns, broken bones, lacerations,
39 internal bleeding, shaken baby syndrome or choking or an
40 injury that significantly impairs a child's physical
41 functioning, either temporarily or permanently] under
42 section 6321(2) or (3) (relating to responsibility for
43 investigation).

44 * * *

45 (12) A mandated reporter of suspected child abuse [as
46 defined in] under section 6311 (relating to persons required
47 to report suspected child abuse) who made a report of abuse
48 involving the subject child, [but the information permitted
49 to be released to the mandated reporter] shall be limited to
50 the following:

51 (i) [The final status of] Whether the child abuse

1 report [following the investigation, whether it be] is
2 indicated, founded or unfounded.

3 (ii) Any services provided, arranged for or to be
4 provided by the county agency to protect the child , or
5 any service plan developed.

6 [(13) Persons required to make reports under Subchapter
7 C.1 (relating to students in public and private schools).
8 Information under this paragraph shall be limited to the
9 final status of the report following the investigation as to
10 whether the report is indicated, founded or unfounded.]

11 * * *

12 (b) Release of information to subject [of report].--[At any
13 time and upon] Upon a written request, a subject of a report may
14 receive a copy of all information, except that prohibited from
15 being disclosed by subsection (c), contained in the Statewide
16 [central register] database or in any report filed pursuant to
17 section 6313 (relating to reporting procedure).

18 (c) Protecting identity [of person making report].--Except
19 for reports [pursuant to] under subsection (a) (9) and (10), and
20 in response to a law enforcement official investigating
21 allegations of false reports under 18 Pa.C.S. § 4906.1 (relating
22 to false reports of child abuse), the release of data that would
23 identify the person who made a report of suspected child abuse
24 or [the person] who cooperated in a subsequent investigation is
25 prohibited unless the [secretary] department finds that the
26 release will not be detrimental to the safety of [that] the
27 person. Law enforcement officials shall treat all reporting
28 sources as confidential informants.

29 (d) Exclusion of [administrative] information.--Information
30 maintained in the Statewide [central register which was]
31 database obtained from an investigating agency in relation to an
32 appeal request shall not be released to any person except a
33 department official [, as provided by regulation].

34 Section 8. Title 23 is amended by adding a section to read:
35 § 6387. Background checks.

36 Payment for a background check relating to child abuse may be
37 paid for by an individual or organization by check or money
38 order.

39 Section 9. This act shall take effect January 1, 2014.

