



Senate Communications & Technology Committee

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Senate Bill 24 P.N. 683

Amendment A03737 Summary

Amends Section 6303 (Definitions) by adding the definition of “electronic technologies” and the definition of “law enforcement official”.

Amends Section 6304 (Electronic Reporting) by adding the provision to allow for electronic reporting for information under this chapter.

Amends Section 6317 (Mandatory reporting and postmortem investigations of deaths) by adding “medical examiner”.

Adds a new Subchapter B.1 (Investigation and Reporting). Section 6321 (Responsibility for investigation) provides for the department to establish procedures for the different responses to address suspected child abuse and protective services depending on the person allegedly committing the suspected abuse:

- (1) If it is committed by a perpetrator, the appropriate county agency shall investigate the allegation.
- (2) If it is committed by a perpetrator and the behavior constitutes a criminal offense, the county agency and law enforcement official shall jointly investigate.
- (3) If it is committed by a person who is not a perpetrator, law enforcement officials where the suspected child abuse is alleged to have occurred shall be solely responsible for investigating.
- (4) If child is in need of other protective services, the appropriate county agency shall assess the needs of the child.

Adds Section 6322 (Access to reports) requires the department to be capable 24/7 of receiving reports and referrals of suspected child abuse and the need for protective services; responding to requests from information from county agencies and law enforcement; and monitoring the provision of protective services. Also requires the county agency to be capable 24/7 of receiving reports of suspected child abuse from the department or the general public. Provides for information to be released upon verification of need.

Adds Section 6323 (Disposition of initial reports) which requires the department to immediately transmit a written notice to the county agency and law enforcement officials where the suspected child abuse is alleged to have occurred. The notice shall contain: notice that a complaint of suspected child abuse by a perpetrator has been received; substance of the complaint; and existence in the statewide database of a prior report or a current investigation concerning a subject of the report.

Adds Section 6324 (Disposition of reports) to require if DPW receives a report of suspected child abuse occurring in another state shall be referred by the department to the county agency and, where appropriate, to law enforcement officials when the child resides in this Commonwealth and shall be investigated as any other report of suspected child abuse by a perpetrator if all of the following apply:

- (1) The child victim is a resident of the Commonwealth;
- (2) The other state's child protective services agency fails to investigate the report.

If the child abuse occurs in a jurisdiction outside of the Commonwealth and the perpetrator is a resident of the Commonwealth, the report shall be referred to the county agency where the perpetrator resides. The county agency will contact children and youth social services in the jurisdiction where the abuse occurred and investigate the suspected child abuse. In addition, a copy of the report will be provided to the other states child protective agency and reports and information related to the investigation will be provided within 7 days of completion.

Adds Section 6327 (Cooperation) to require cooperation in conducting an investigation or assessing risk to a child from Commonwealth agencies, political subdivisions, county agencies or those providing services under the county plan and also school districts. Willful failure to cooperate to a timely production of requested information is a 3rd degree misdemeanor. A person barring, inhibiting or precluding sufficient access to subject child commits a misdemeanor of the second degree. If a report of suspected child abuse is referred from county to law enforcement, the law enforcement agency shall advise the county whether a criminal investigation had been undertaken and the results of the investigation and of any criminal prosecution. The county agency will refer the information to the Statewide database.

Amends Section 6335.1 (Access to information in Statewide database) a subsection (c.1) that provides for the District Attorney to request information for the purposes of investigating allegations of criminal conduct.

Adds Section 6387 (Background checks) to permit payment for a background check to be paid for by an individual by money order or check.

Effective date: January 1, 2014.