

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 21

Session of
2013

INTRODUCED BY WARD, BLAKE, SCARNATI, PILEGGI, WASHINGTON, STACK,
TEPLITZ, ERICKSON, BREWSTER, FONTANA, BAKER, RAFFERTY,
YUDICHAK, VULAKOVICH, KASUNIC, TARTAGLIONE, WILLIAMS, SMITH,
WAUGH, FARNESE, BROWNE, SOLOBAY, HUGHES, COSTA, ALLOWAY,
SCHWANK AND BOSCOLA, MARCH 15, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 2, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in provisions and responsibilities for
3 reporting suspected child abuse, further providing for
4 definitions ~~and~~, for persons required to report suspected <--
5 child abuse; ~~providing for privileged communications; further~~ <--
6 ~~providing~~, for persons permitted to report suspected child
7 abuse, for reporting procedure, for documentary evidence on a
8 child subject to report and for taking child into protective
9 custody; ~~and~~, in organization and responsibilities of child <--
10 protective service, repealing provisions relating to taking
11 child into protective custody; AND, IN MISCELLANEOUS <--
12 PROVISIONS, FURTHER PROVIDING FOR EDUCATION AND TRAINING.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. Section 6303(a) of Title 23 of the Pennsylvania~~ <--
16 ~~Consolidated Statutes is amended by adding definitions to read:~~

17 SECTION 1. THE DEFINITION OF "SCHOOL EMPLOYEE" IN SECTION <--
18 6303(A) OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS
19 AMENDED AND SUBSECTION (A) IS AMENDED BY ADDING DEFINITIONS TO
20 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 "Adult." An individual 18 years of age or older.

7 * * *

8 "Direct contact with children." The care, supervision,
9 guidance or control of children, or routine interaction with
10 children.

11 * * *

12 "HEALTH CARE FACILITY." AS DEFINED IN SECTION 802.1 OF THE <--
13 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
14 FACILITIES ACT.

15 "Independent contractor." An individual who provides a
16 program, activity or service to an agency, institution,
17 organization or other entity, including a school or regularly
18 established religious organization, that is responsible for the
19 care, supervision, guidance or control of children. The term
20 does not include an individual who has no direct contact with
21 children.

22 * * *

23 "Mandated reporter." A person who is required by this
24 chapter to make a report of suspected child abuse.

25 * * *

26 "PERSON AFFILIATED WITH." A PERSON THAT DIRECTLY OR <--
27 INDIRECTLY, THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, IS
28 CONTROLLED BY OR IS UNDER COMMON CONTROL WITH A SPECIFIED
29 PERSON.

30 * * *

1 "Program, activity or service." A public or private
2 educational, athletic or other pursuit in which children
3 participate. The term includes, but is not limited to, the
4 following:

- 5 (1) A youth camp or program.
- 6 (2) A recreational camp or program.
- 7 (3) A sports or athletic program.
- 8 (4) An outreach program.
- 9 (5) An enrichment program.
- 10 (6) A troop, club or similar organization.

11 * * *

12 "SCHOOL." A FACILITY PROVIDING ELEMENTARY, SECONDARY OR <--
13 POSTSECONDARY EDUCATIONAL SERVICES. THE TERM INCLUDES THE
14 FOLLOWING:

- 15 (1) ANY SCHOOL OF A SCHOOL DISTRICT.
- 16 (2) AN AREA VOCATIONAL-TECHNICAL SCHOOL.
- 17 (3) A JOINT SCHOOL.
- 18 (4) AN INTERMEDIATE UNIT.
- 19 (5) A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL.
- 20 (6) A CYBER CHARTER SCHOOL.
- 21 (7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF JANUARY
22 28, 1988 (P.L.24, NO.11), KNOWN AS THE PRIVATE ACADEMIC
23 SCHOOLS ACT.
- 24 (8) A PRIVATE SCHOOL ACCREDITED BY AN ACCREDITING
25 ASSOCIATION APPROVED BY THE STATE BOARD OF EDUCATION.
- 26 (9) A NONPUBLIC SCHOOL.
- 27 (10) A COMMUNITY COLLEGE WHICH IS AN INSTITUTION NOW OR
28 HEREAFTER CREATED PURSUANT TO ARTICLE XIX-A OF THE ACT OF
29 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL
30 CODE OF 1949, OR THE ACT OF AUGUST 24, 1963 (P.L.1132,

1 NO.484), KNOWN AS THE COMMUNITY COLLEGE ACT OF 1963.

2 (11) AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION
3 WHICH IS AN INSTITUTION OF HIGHER EDUCATION WHICH IS OPERATED
4 NOT FOR PROFIT, LOCATED IN AND INCORPORATED OR CHARTERED BY
5 THE COMMONWEALTH, ENTITLED TO CONFER DEGREES AS SET FORTH IN
6 24 PA.C.S. § 6505 (RELATING TO POWER TO CONFER DEGREES) AND
7 ENTITLED TO APPLY TO ITSELF THE DESIGNATION "COLLEGE" OR
8 "UNIVERSITY" AS PROVIDED FOR BY STANDARDS AND QUALIFICATIONS
9 PRESCRIBED BY THE STATE BOARD OF EDUCATION PURSUANT TO 24
10 PA.C.S. CH. 65 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES
11 AND SEMINARIES).

12 (12) A STATE-OWNED UNIVERSITY.

13 (13) A STATE-RELATED UNIVERSITY.

14 (14) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER
15 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED
16 SCHOOLS ACT.

17 (15) THE HIRAM G. ANDREWS CENTER.

18 (16) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION AS
19 DEFINED IN SECTION 914.1-A(C) OF THE PUBLIC SCHOOL CODE OF
20 1949.

21 "SCHOOL EMPLOYEE." AN INDIVIDUAL WHO IS EMPLOYED BY A
22 [PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-
23 TECHNICAL SCHOOL. THE TERM INCLUDES AN INDEPENDENT CONTRACTOR
24 AND EMPLOYEES] SCHOOL OR WHO PROVIDES A PROGRAM, ACTIVITY OR
25 SERVICE SPONSORED BY A SCHOOL. THE TERM EXCLUDES AN INDIVIDUAL
26 WHO HAS NO DIRECT CONTACT WITH [STUDENTS] CHILDREN.

27 * * *

28 ~~Section 2. Section 6311 6311(A), (B), AND (C) of Title 23 is <--~~
29 ~~ARE amended to read: <--~~

30 SECTION 2. SECTIONS 6311(A), (B) AND (C), 6312, 6313 AND 6314

1 OF TITLE 23 ARE AMENDED TO READ:

2 § 6311. Persons required to report suspected child abuse.

3 [(a) General rule.--A person who, in the course of
4 employment, occupation or practice of a profession, comes into
5 contact with children shall report or cause a report to be made
6 in accordance with section 6313 (relating to reporting
7 procedure) when the person has reasonable cause to suspect, on
8 the basis of medical, professional or other training and
9 experience, that a child under the care, supervision, guidance
10 or training of that person or of an agency, institution,
11 organization or other entity with which that person is
12 affiliated is a victim of child abuse, including child abuse by
13 an individual who is not a perpetrator. Except with respect to
14 confidential communications made to a member of the clergy which
15 are protected under 42 Pa.C.S. § 5943 (relating to confidential
16 communications to clergymen), and except with respect to
17 confidential communications made to an attorney which are
18 protected by 42 Pa.C.S. § 5916 (relating to confidential
19 communications to attorney) or 5928 (relating to confidential
20 communications to attorney), the privileged communication
21 between any professional person required to report and the
22 patient or client of that person shall not apply to situations
23 involving child abuse and shall not constitute grounds for
24 failure to report as required by this chapter.

25 (b) Enumeration of persons required to report.--Persons
26 required to report under subsection (a) include, but are not
27 limited to, any licensed physician, osteopath, medical examiner,
28 coroner, funeral director, dentist, optometrist, chiropractor,
29 podiatrist, intern, registered nurse, licensed practical nurse,
30 hospital personnel engaged in the admission, examination, care

1 or treatment of persons, Christian Science practitioner, member
2 of the clergy, school administrator, school teacher, school
3 nurse, social services worker, day-care center worker or any
4 other child-care or foster-care worker, mental health
5 professional, peace officer or law enforcement official.] <--

6 (A) MANDATED REPORTERS.--THE FOLLOWING ADULTS SHALL MAKE A
7 REPORT OF SUSPECTED CHILD ABUSE, SUBJECT TO SUBSECTION (B), IF
8 THE PERSON HAS REASONABLE CAUSE TO SUSPECT THAT A CHILD IS A
9 VICTIM OF CHILD ABUSE:

10 (1) A PERSON LICENSED OR CERTIFIED TO PRACTICE IN ANY
11 HEALTH-RELATED FIELD UNDER THE JURISDICTION OF THE DEPARTMENT
12 OF STATE.

13 (2) A MEDICAL EXAMINER, CORONER OR FUNERAL DIRECTOR.

14 (3) AN EMPLOYEE OF A HEALTH CARE FACILITY OR PROVIDER
15 LICENSED BY THE DEPARTMENT OF HEALTH, WHO IS ENGAGED IN THE
16 ADMISSION, EXAMINATION, CARE OR TREATMENT OF INDIVIDUALS.

17 (4) A SCHOOL EMPLOYEE.

18 (5) AN EMPLOYEE OF A CHILD CARE SERVICE, WHO HAS DIRECT
19 CONTACT WITH CHILDREN IN THE COURSE OF EMPLOYMENT.

20 (6) A CLERGYMAN, PRIEST, RABBI, MINISTER, CHRISTIAN
21 SCIENCE PRACTITIONER, RELIGIOUS HEALER OR SPIRITUAL LEADER OF
22 ANY REGULARLY ESTABLISHED CHURCH OR OTHER RELIGIOUS
23 ORGANIZATION.

24 (7) AN INDIVIDUAL PAID OR UNPAID, WHO, ON THE BASIS OF
25 THE INDIVIDUAL'S ROLE AS AN INTEGRAL PART OF A REGULARLY
26 SCHEDULED PROGRAM, ACTIVITY OR SERVICE, ACCEPTS
27 RESPONSIBILITY FOR A CHILD.

28 (8) AN EMPLOYEE OF A SOCIAL SERVICES AGENCY, WHO HAS
29 DIRECT CONTACT WITH CHILDREN IN THE COURSE OF EMPLOYMENT.

30 (9) A PEACE OFFICER OR LAW ENFORCEMENT OFFICIAL.

1 (10) AN EMERGENCY MEDICAL SERVICES PROVIDER CERTIFIED BY
2 THE DEPARTMENT OF HEALTH.

3 (11) AN EMPLOYEE OF A PUBLIC LIBRARY, WHO HAS DIRECT
4 CONTACT WITH CHILDREN IN THE COURSE OF EMPLOYMENT.

5 (12) AN INDIVIDUAL SUPERVISED OR MANAGED BY A PERSON
6 LISTED UNDER PARAGRAPHS (1), (2), (3), (4), (5), (6), (7),
7 (8), (9), (10) AND (11), WHO HAS DIRECT CONTACT WITH CHILDREN
8 IN THE COURSE OF EMPLOYMENT.

9 (13) AN INDEPENDENT CONTRACTOR.

10 ~~(14) AN ATTORNEY AFFILIATED WITH AN AGENCY, INSTITUTION, <--~~
11 ~~ORGANIZATION OR OTHER ENTITY, INCLUDING A SCHOOL OR REGULARLY~~
12 ~~ESTABLISHED RELIGIOUS ORGANIZATION THAT IS RESPONSIBLE FOR~~
13 ~~THE CARE, SUPERVISION, GUIDANCE OR CONTROL OF CHILDREN.~~

14 (B) BASIS TO REPORT.--

15 (1) A MANDATED REPORTER ENUMERATED IN SUBSECTION (A)
16 SHALL MAKE A REPORT OF SUSPECTED CHILD ABUSE OR CAUSE A
17 REPORT TO BE MADE IN ACCORDANCE WITH SECTION 6313 (RELATING
18 TO REPORTING PROCEDURE), IF THE MANDATED REPORTER HAS
19 REASONABLE CAUSE TO SUSPECT THAT A CHILD IS A VICTIM OF CHILD
20 ABUSE UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

21 (I) THE MANDATED REPORTER COMES INTO CONTACT WITH
22 THE CHILD IN THE COURSE OF EMPLOYMENT, OCCUPATION AND
23 PRACTICE OF A PROFESSION OR THROUGH A REGULARLY SCHEDULED
24 PROGRAM, ACTIVITY OR SERVICE.

25 (II) THE MANDATED REPORTER IS DIRECTLY RESPONSIBLE
26 FOR THE CARE, SUPERVISION, GUIDANCE OR TRAINING OF THE
27 CHILD, OR IS AFFILIATED WITH AN AGENCY, INSTITUTION,
28 ORGANIZATION, SCHOOL, REGULARLY ESTABLISHED CHURCH OR
29 RELIGIOUS ORGANIZATION OR OTHER ENTITY THAT IS DIRECTLY
30 RESPONSIBLE FOR THE CARE, SUPERVISION, GUIDANCE OR

1 TRAINING OF THE CHILD.

2 (III) A PERSON MAKES A SPECIFIC DISCLOSURE TO THE
3 MANDATED REPORTER THAT AN IDENTIFIABLE CHILD IS THE
4 VICTIM OF CHILD ABUSE.

5 (IV) AN INDIVIDUAL 14 YEARS OF AGE OR OLDER MAKES A
6 SPECIFIC DISCLOSURE TO THE MANDATED REPORTER THAT THE
7 INDIVIDUAL HAS COMMITTED CHILD ABUSE.

8 (2) NOTHING IN THIS SECTION SHALL REQUIRE A CHILD TO
9 COME BEFORE THE MANDATED REPORTER IN ORDER FOR THE MANDATED
10 REPORTER TO MAKE A REPORT OF SUSPECTED CHILD ABUSE.

11 (3) NOTHING IN THIS SECTION SHALL REQUIRE THE MANDATED
12 REPORTER TO IDENTIFY THE PERSON RESPONSIBLE FOR THE CHILD
13 ABUSE TO MAKE A REPORT OF SUSPECTED CHILD ABUSE.

14 (c) Staff members of institutions, etc.--Whenever a person
15 is required to report under subsection (b) in the capacity as a
16 member of the staff of a medical or other public or private
17 institution, school, facility or agency, that person shall
18 REPORT IMMEDIATELY IN ACCORDANCE WITH SECTION 6313 AND SHALL <--
19 immediately THEREAFTER notify the person in charge of the <--
20 institution, school, facility or agency or the designated agent
21 of the person in charge. Upon notification, the person in charge
22 or the designated agent, if any, shall assume the responsibility
23 [and have the legal obligation to report or cause a report to be <--
24 made in accordance with section 6313] FOR FACILITATING THE <--
25 COOPERATION OF THE INSTITUTION, SCHOOL, FACILITY OR AGENCY WITH
26 THE INVESTIGATION OF THE REPORT. This chapter does not require
27 more than one report from any such institution, school, facility
28 or agency.

29 ~~(d) Civil action for discrimination against person filing~~ <--
30 ~~report. Any person who, under this section, is required to~~

1 ~~report or cause a report of suspected child abuse to be made and~~
2 ~~who, in good faith, makes or causes the report to be made and,~~
3 ~~as a result thereof, is discharged from his employment or in any~~
4 ~~other manner is discriminated against with respect to~~
5 ~~compensation, hire, tenure, terms, conditions or privileges of~~
6 ~~employment, may commence an action in the court of common pleas~~
7 ~~of the county in which the alleged unlawful discharge or~~
8 ~~discrimination occurred for appropriate relief. If the court~~
9 ~~finds that the person is an individual who, under this section,~~
10 ~~is required to report or cause a report of suspected child abuse~~
11 ~~to be made and who, in good faith, made or caused to be made a~~
12 ~~report of suspected child abuse and, as a result thereof, was~~
13 ~~discharged or discriminated against with respect to~~
14 ~~compensation, hire, tenure, terms, conditions or privileges of~~
15 ~~employment, it may issue an order granting appropriate relief,~~
16 ~~including, but not limited to, reinstatement with back pay. The~~
17 ~~department may intervene in any action commenced under this~~
18 ~~subsection.]~~

19 ~~(a) Mandated reporters. The following adults shall make a~~
20 ~~report of suspected child abuse, subject to subsection (b), if~~
21 ~~the person has reasonable cause to suspect that a child is a~~
22 ~~victim of child abuse:~~

23 ~~(1) A person licensed or certified to practice in any~~
24 ~~health related field under the jurisdiction of the Department~~
25 ~~of State.~~

26 ~~(2) A medical examiner, coroner or funeral director.~~

27 ~~(3) An employee of a health care facility or provider~~
28 ~~licensed by the Department of Health engaged in the~~
29 ~~admission, examination, care or treatment of individuals.~~

30 ~~(4) A school administrator, teacher, nurse, guidance~~

~~counselor, coach or other school employee.~~

~~(5) A child care services provider.~~

~~(6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.~~

~~(7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.~~

~~(8) A social services worker.~~

~~(9) A peace officer or law enforcement official.~~

~~(10) An emergency medical services provider certified by the Department of Health.~~

~~(11) An individual supervised or managed by a person listed under paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9) or (10), who has direct contact with children in the course of employment.~~

~~(12) An independent contractor.~~

~~(b) Basis to report.~~

~~(1) Any of the following circumstances shall require a mandated reporter under subsection (a), with reasonable cause to suspect that a child is a victim of child abuse, to make a report in accordance with section 6313 (relating to reporting procedure):~~

~~(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.~~

~~(ii) The mandated reporter is directly responsible~~

1 ~~for the care, supervision, guidance or training of the~~
2 ~~child, or is affiliated with an agency, institution,~~
3 ~~organization, school, regularly established church or~~
4 ~~religious organization or other entity that is directly~~
5 ~~responsible for the care, supervision, guidance or~~
6 ~~training of the child.~~

7 ~~(iii) A person makes a specific disclosure to the~~
8 ~~mandated reporter that an identifiable child is the~~
9 ~~victim of child abuse.~~

10 ~~(iv) An individual 14 years of age or older makes a~~
11 ~~specific disclosure to the mandated reporter that the~~
12 ~~individual has committed child abuse.~~

13 ~~(2) Nothing in this section shall require a child to~~
14 ~~come before the mandated reporter in order for the mandated~~
15 ~~reporter to make a report of suspected child abuse.~~

16 ~~(3) Nothing in this section shall require the mandated~~
17 ~~reporter to identify the perpetrator of child abuse to make a~~
18 ~~report of suspected child abuse.~~

19 * * *

<--

20 Section 3. Title 23 is amended by adding a section to read: <--

21 ~~§ 6311.1. Privileged communications.~~

22 ~~(a) General rule. Subject to subsection (b), the privileged~~
23 ~~communications between a mandated reporter and a patient or~~
24 ~~client of the mandated reporter shall not:~~

25 ~~(1) Apply to a situation involving child abuse.~~

26 ~~(2) Relieve the mandated reporter of the duty to make a~~
27 ~~report of suspected child abuse.~~

28 ~~(b) Confidential communications. The following protections~~
29 ~~shall apply:~~

30 ~~(1) Confidential communications made to a member of the~~

1 ~~clergy are protected under 42 Pa.C.S. § 5943 (relating to~~
2 ~~confidential communications to clergymen).~~

3 ~~(2) Confidential communications made to an attorney are~~
4 ~~subject to 42 Pa.C.S. §§ 5916 (relating to confidential~~
5 ~~communications to attorney) and 5928 (relating to~~
6 ~~confidential communications to attorney), but only to the~~
7 ~~extent that such communications are protected under the rules~~
8 ~~of professional conduct for attorneys.~~

9 Section 4 3. Sections 6312, 6313 and 6314 of Title 23 are <--
10 amended to read:

11 § 6312. Persons [permitted] encouraged to report suspected
12 child abuse.

13 [In addition to those persons and officials required to
14 report suspected child abuse, any] Any person may make [such a
15 report] an oral or written report of suspected child abuse,
16 which may be submitted electronically, or cause a report of
17 suspected child abuse to be made to the department, county
18 agency or law enforcement, if that person has reasonable cause
19 to suspect that a child is [an abused child] a victim of child
20 abuse.

21 § 6313. Reporting procedure.

22 [(a) General rule.--Reports from persons required to report
23 under section 6311 (relating to persons required to report
24 suspected child abuse) shall be made immediately by telephone
25 and in writing within 48 hours after the oral report.

26 (b) Oral reports.--Oral reports shall be made to the
27 department pursuant to Subchapter C (relating to powers and
28 duties of department) and may be made to the appropriate county
29 agency. When oral reports of suspected child abuse are initially
30 received at the county agency, the protective services staff

1 shall, after seeing to the immediate safety of the child and
2 other children in the home, immediately notify the department of
3 the receipt of the report, which is to be held in the pending
4 complaint file as provided in Subchapter C. The initial child
5 abuse report summary shall be supplemented with a written report
6 when a determination is made as to whether a report of suspected
7 child abuse is a founded report, an unfounded report or an
8 indicated report.

9 (c) Written reports.--Written reports from persons required
10 to report under section 6311 shall be made to the appropriate
11 county agency in a manner and on forms the department prescribes
12 by regulation. The written reports shall include the following
13 information if available:

14 (1) The names and addresses of the child and the parents
15 or other person responsible for the care of the child if
16 known.

17 (2) Where the suspected abuse occurred.

18 (3) The age and sex of the subjects of the report.

19 (4) The nature and extent of the suspected child abuse,
20 including any evidence of prior abuse to the child or
21 siblings of the child.

22 (5) The name and relationship of the person or persons
23 responsible for causing the suspected abuse, if known, and
24 any evidence of prior abuse by that person or persons.

25 (6) Family composition.

26 (7) The source of the report.

27 (8) The person making the report and where that person
28 can be reached.

29 (9) The actions taken by the reporting source, including
30 the taking of photographs and X-rays, removal or keeping of

1 the child or notifying the medical examiner or coroner.

2 (10) Any other information which the department may
3 require by regulation.

4 (d) Failure to confirm oral report.--The failure of a person
5 reporting cases of suspected child abuse to confirm an oral
6 report in writing within 48 hours shall not relieve the county
7 agency from any duties prescribed by this chapter. In such
8 event, the county agency shall proceed as if a written report
9 were actually made.]

10 (a) Report by mandated reporter.--

11 (1) A mandated reporter shall immediately make an oral
12 report of suspected child abuse to the department via the
13 Statewide toll-free telephone number under section 6332
14 (relating to establishment of Statewide toll-free telephone
15 number) or a written report using electronic technologies
16 under section ~~6304~~ 6305 (relating to electronic reporting). <--

17 (2) A mandated reporter making an oral report under
18 paragraph (1) of suspected child abuse shall also make a
19 written report, which may be submitted electronically, within
20 48 hours to the department or county agency assigned to the
21 case in a manner and format prescribed by the department.

22 (3) The failure of the mandated reporter to file the
23 report under paragraph (2) shall not relieve the county
24 agency from any duty under this chapter, and the county
25 agency shall proceed as though the mandated reporter complied
26 with paragraph (2).

27 (b) Contents of report.--A written report of suspected child
28 abuse, which may be submitted electronically, shall include the
29 following information, if known:

30 (1) The names and addresses of the child, the child's

1 parents and any other person responsible for the child's
2 welfare.

3 (2) Where the suspected abuse occurred.

4 (3) The age and sex of each subject of the report.

5 (4) The nature and extent of the suspected child abuse,
6 including any evidence of prior abuse to the child or any
7 sibling of the child.

8 (5) The name and relationship of each individual
9 responsible for causing the suspected abuse and any evidence
10 of prior abuse by each individual.

11 (6) Family composition.

12 (7) The source of the report.

13 (8) ~~The person making the report and where that person~~
14 can be reached NAME, TELEPHONE NUMBER AND E-MAIL ADDRESS OF <--
15 THE PERSON MAKING THE REPORT.

16 (9) The actions taken by the person making the report,
17 including those actions taken under section 6314 (relating to
18 photographs, medical tests and X-rays of child subject to
19 report), 6315 (relating to taking child into protective
20 custody), 6316 (relating to admission to private and public
21 hospitals) or 6317 (relating to mandatory reporting and
22 postmortem investigation of deaths).

23 (10) Any other information required by Federal law or
24 regulation.

25 (11) Any other information that the department requires
26 by regulation.

27 § 6314. Photographs, medical tests and X-rays of child subject
28 to report.

29 A person or official required to report cases of suspected
30 child abuse may take or cause to be taken photographs of the

1 child who is subject to a report and, if clinically indicated,
2 cause to be performed a radiological examination and other
3 medical tests on the child. Medical summaries or reports of the
4 photographs, X-rays and relevant medical tests taken shall be
5 sent to the county agency at the time the written report is sent
6 or within 48 hours after a report is made by electronic
7 technologies or as soon thereafter as possible. The county
8 agency shall have access to actual photographs or duplicates and
9 X-rays and may obtain them or duplicates of them upon request.
10 Medical summaries or reports of the photographs, x-rays and
11 relevant medical tests shall be made available to law
12 enforcement officials in the course of investigating cases
13 pursuant to section 6340(a)(9) or (10).

14 Section 5 3. Section 6315(a) of Title 23 is amended by <--
15 adding a paragraph to read:

16 § 6315. Taking child into protective custody.

17 (a) General rule.--A child may be taken into protective
18 custody:

19 * * *

20 (4) Subject to this section and after receipt of a court
21 order, the county agency shall take a child into protective
22 custody for protection from abuse. No county agency worker
23 may take custody of the child without judicial authorization
24 based on the merits of the situation.

25 * * *

26 Section 6 4. Section 6369 of Title 23 is repealed: <--

27 [§ 6369. Taking child into protective custody.

28 Pursuant to the provisions of section 6315 (relating to
29 taking child into protective custody) and after receipt of a
30 court order, the county agency shall take a child into

1 protective custody for protection from abuse. No county agency
2 worker may take custody of the child without judicial
3 authorization based on the merits of the situation.]

4 SECTION 7 5. SECTION 6383 OF TITLE 23 IS AMENDED BY ADDING A <--
5 SUBSECTION TO READ:

6 ~~§ 6383. EDUCATION AND TRAINING.~~ <--

7 § 6383. EDUCATION AND TRAINING. <--

8 * * *

9 (A.2) INFORMATION FOR MANDATED AND PERMISSIVE REPORTERS.--

10 (1) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A),
11 THE DEPARTMENT SHALL PROVIDE SPECIFIC INFORMATION RELATED TO
12 THE RECOGNITION AND REPORTING OF CHILD ABUSE ON ITS INTERNET
13 WEBSITE IN FORMS, INCLUDING, BUT NOT LIMITED TO, THE
14 FOLLOWING:

15 (I) WEBSITE CONTENT.

16 (II) PRINTABLE BOOKLETS AND BROCHURES.

17 (III) EDUCATIONAL VIDEOS.

18 (IV) INTERNET-BASED INTERACTIVE TRAINING EXERCISES.

19 (2) INFORMATION SHALL BE PERTINENT TO BOTH MANDATED AND
20 PERMISSIVE REPORTERS AND SHALL ADDRESS TOPICS, INCLUDING, BUT
21 NOT LIMITED TO:

22 (I) CONDUCT CONSTITUTING CHILD ABUSE UNDER THIS
23 CHAPTER.

24 (II) PERSONS CLASSIFIED AS MANDATED REPORTERS.

25 (III) REPORTING REQUIREMENTS AND PROCEDURES.

26 (IV) THE BASIS FOR MAKING A REPORT OF SUSPECTED
27 CHILD ABUSE.

28 (V) PENALTIES FOR FAILURE TO REPORT.

29 (VI) BACKGROUND CLEARANCE REQUIREMENTS FOR
30 INDIVIDUALS WHO WORK OR VOLUNTEER WITH CHILDREN.

1 (VII) RECOGNITION OF THE SIGNS AND SYMPTOMS OF CHILD
2 ABUSE.

3 (VIII) ALTERNATIVE RESOURCES TO ASSIST WITH CONCERNS
4 NOT RELATED TO CHILD ABUSE.

5 (3) THE DEPARTMENT SHALL INCLUDE THE FOLLOWING WITH ALL
6 CERTIFICATIONS PROVIDED PURSUANT TO § 6344(B)(2) (RELATING TO
7 INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL):

8 (I) INFORMATION THAT CERTAIN PERSONS ARE REQUIRED BY
9 LAW TO REPORT SUSPECTED CHILD ABUSE.

10 (II) THE INTERNET ADDRESS WHERE THE INFORMATION AND
11 GUIDANCE REQUIRED BY THIS SUBSECTION CAN BE OBTAINED.

12 (III) A TELEPHONE NUMBER AND MAILING ADDRESS WHERE
13 GUIDANCE MATERIALS CAN BE REQUESTED BY INDIVIDUALS WHO
14 CANNOT ACCESS THE DEPARTMENT'S INTERNET WEBSITE.

15 (4) THE DEPARTMENT SHALL IMPLEMENT THIS SUBSECTION
16 WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS SUBSECTION.

17 * * *

18 Section ~~7-8~~ 6. This act shall take effect ~~January 1~~ DECEMBER <--
19 31, 2014.