

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 31 Session of 2013

INTRODUCED BY FONTANA, FOLMER, WASHINGTON, ERICKSON, STACK,
BREWSTER, FERLO, TEPLITZ, BAKER, RAFFERTY, YUDICHAK, KASUNIC,
TARTAGLIONE, WILLIAMS, SMITH, FARNESE, WAUGH, MENSCH, HUGHES,
BROWNE, WARD, VANCE, PILEGGI, BOSCOLA, COSTA, ALLOWAY,
SCHWANK, DINNIMAN AND BLAKE, MARCH 15, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 18, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, ~~AND, for persons required to~~ <--
4 ~~report suspected child abuse and for reporting procedure~~ AND <--
5 FOR INVESTIGATING PERFORMANCE OF COUNTY AGENCY; ~~and repealing~~ <--
6 ~~provisions relating to definitions, school employees,~~
7 ~~administration, investigation, responsibilities of county~~
8 ~~agency for child protective services and report information;~~ <--
9 AND FURTHER PROVIDING FOR SERVICES FOR PREVENTION,
10 INVESTIGATION AND TREATMENT OF CHILD ABUSE.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. The definitions of "founded report," "founded~~ <--
14 ~~report for school employee," "general protective services,"~~
15 ~~"indicated report," "indicated report for school employee,"~~
16 ~~"individual residing in the same home as the child," "near-~~
17 ~~fatality" and "school employee" in section 6303(a) of Title 23-~~
18 ~~of the Pennsylvania Consolidated Statutes are amended and the~~
19 ~~subsection is amended by adding definitions to read:~~

1 SECTION 1. THE DEFINITIONS OF "BODILY INJURY," "FOUNDED <--
2 REPORT," "GENERAL PROTECTIVE SERVICES," "INDICATED REPORT FOR
3 SCHOOL EMPLOYEE," "INDIVIDUAL RESIDING IN THE SAME HOME AS THE
4 CHILD," "NEAR FATALITY" AND "SCHOOL EMPLOYEE" IN SECTION 6303(A)
5 OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED
6 DECEMBER 18, 2013 (P.L.1195, NO.117), ARE AMENDED AND THE
7 SUBSECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

8 § 6303. Definitions.

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

12 * * *

13 ["BODILY INJURY." IMPAIRMENT OF PHYSICAL CONDITION OR <--
14 SUBSTANTIAL PAIN.]

15 "Bodily injury." Impairment of physical condition or
16 substantial pain.

17 * * * <--

18 ~~"Disability." The term shall have the same meaning as the~~
19 ~~term is given in section 3 of the Americans with Disabilities~~
20 ~~Act of 1990 (Public Law 101-336, 42 U.S.C. § 12102(2)).~~

21 * * *

22 ~~"Founded report." [A child abuse report made pursuant to~~
23 ~~this chapter if there has been any judicial adjudication based~~
24 ~~on a finding that a child who is a subject of the report has~~
25 ~~been abused, including the entry of a plea of guilty or nolo~~
26 ~~contendere or a finding of guilt to a criminal charge involving~~
27 ~~the same factual circumstances involved in the allegation of~~
28 ~~child abuse.] A child abuse report involving a perpetrator that~~
29 ~~is made pursuant to this chapter, if any of the following~~
30 ~~applies:~~

1 ~~(1) There has been a judicial adjudication based on a~~
2 ~~finding that a child who is a subject of the report has been~~
3 ~~abused and the adjudication involves the same factual~~
4 ~~circumstances involved in the allegation of child abuse. The~~
5 ~~judicial adjudication may include any of the following:~~

6 ~~(i) The entry of a plea of guilty or nolo~~
7 ~~contendere.~~

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

9 ~~(iii) A finding of dependency under 42 Pa.C.S. §~~
10 ~~6341 (relating to adjudication) if the court has entered~~
11 ~~a finding that a child who is the subject of the report~~
12 ~~has been abused.~~

13 ~~(iv) A finding of delinquency under 42 Pa.C.S. §~~
14 ~~6341 if the court has entered a finding that the child~~
15 ~~who is the subject of the report has been abused by the~~
16 ~~child who was found to be delinquent.~~

17 ~~(2) There has been an acceptance into an accelerated~~
18 ~~rehabilitative disposition program and the reason for the~~
19 ~~acceptance involves the same factual circumstances involved~~
20 ~~in the allegation of child abuse.~~

21 ~~(3) There has been a consent decree entered in a~~
22 ~~juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to~~
23 ~~juvenile matters), the decree involves the same factual~~
24 ~~circumstances involved in the allegation of child abuse, and~~
25 ~~the terms and conditions thereof include an acknowledgment,~~
26 ~~admission or finding that a child who is the subject of the~~
27 ~~report has been abused by the child who is alleged to be~~
28 ~~delinquent.~~

29 ~~(4) A final protection from abuse order has been granted~~
30 ~~under section 6108 (relating to relief), when the child who~~

~~is a subject of the report is also one of the individuals
protected under the protection from abuse order and:~~

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

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

~~(iii) the protection from abuse adjudication finds
that the abuse occurred and restricts visitation to
include supervised custody or prohibits further contact
between the individual and the child.~~

~~["Founded report for school employee." A report under
Subchapter C.1 (relating to students in public and private
schools) if there has been any judicial adjudication based on a
finding that the victim has suffered serious bodily injury or
sexual abuse or exploitation, including the entry of a plea of
guilty or nolo contendere or a finding of guilt to a criminal
charge involving the same factual circumstances involved in the
allegations of the report.]~~

* * *

<--

"FOUNDED REPORT." A CHILD ABUSE REPORT INVOLVING A
PERPETRATOR THAT IS MADE PURSUANT TO THIS CHAPTER, IF ANY OF THE
FOLLOWING APPLIES:

(1) THERE HAS BEEN A JUDICIAL ADJUDICATION BASED ON A
FINDING THAT A CHILD WHO IS A SUBJECT OF THE REPORT HAS BEEN
ABUSED AND THE ADJUDICATION INVOLVES THE SAME FACTUAL
CIRCUMSTANCES INVOLVED IN THE ALLEGATION OF CHILD ABUSE. THE
JUDICIAL ADJUDICATION MAY INCLUDE ANY OF THE FOLLOWING:

(I) THE ENTRY OF A PLEA OF GUILTY OR NOLO
CONTENDERE.

(II) A FINDING OF GUILT TO A CRIMINAL CHARGE.

1 (III) A FINDING OF DEPENDENCY UNDER 42 PA.C.S. §
2 6341 (RELATING TO ADJUDICATION) IF THE COURT HAS ENTERED
3 A FINDING THAT A CHILD WHO IS THE SUBJECT OF THE REPORT
4 HAS BEEN ABUSED.

5 (IV) A FINDING OF DELINQUENCY UNDER 42 PA.C.S. §
6 6341 IF THE COURT HAS ENTERED A FINDING THAT THE CHILD
7 WHO IS THE SUBJECT OF THE REPORT HAS BEEN ABUSED BY THE
8 CHILD WHO WAS FOUND TO BE DELINQUENT.

9 (2) THERE HAS BEEN AN ACCEPTANCE INTO AN ACCELERATED
10 REHABILITATIVE DISPOSITION PROGRAM AND THE REASON FOR THE
11 ACCEPTANCE INVOLVES THE SAME FACTUAL CIRCUMSTANCES INVOLVED
12 IN THE ALLEGATION OF CHILD ABUSE.

13 (3) THERE HAS BEEN A CONSENT DECREE ENTERED IN A
14 JUVENILE PROCEEDING UNDER 42 PA.C.S. CH. 63 (RELATING TO
15 JUVENILE MATTERS), THE DECREE INVOLVES THE SAME FACTUAL
16 CIRCUMSTANCES INVOLVED IN THE ALLEGATION OF CHILD ABUSE AND
17 THE TERMS AND CONDITIONS OF THE [ALLEGATION] CONSENT DECREE
18 INCLUDE AN ACKNOWLEDGMENT, ADMISSION OR FINDING THAT A CHILD
19 WHO IS THE SUBJECT OF THE REPORT HAS BEEN ABUSED BY THE CHILD
20 WHO IS ALLEGED TO BE DELINQUENT.

21 (4) A FINAL PROTECTION FROM ABUSE ORDER HAS BEEN GRANTED
22 UNDER SECTION 6108 (RELATING TO RELIEF), WHEN THE CHILD WHO
23 IS A SUBJECT OF THE REPORT IS ONE OF THE INDIVIDUALS
24 PROTECTED UNDER THE PROTECTION FROM ABUSE ORDER AND:

25 (I) ONLY ONE INDIVIDUAL IS CHARGED WITH THE ABUSE IN
26 THE PROTECTION FROM ABUSE ACTION;

27 (II) ONLY THAT INDIVIDUAL DEFENDS AGAINST THE
28 CHARGE;

29 (III) THE ADJUDICATION INVOLVES THE SAME FACTUAL
30 CIRCUMSTANCES INVOLVED IN THE ALLEGATION OF CHILD ABUSE;

1 AND

2 (IV) THE PROTECTION FROM ABUSE ADJUDICATION FINDS
3 THAT THE CHILD ABUSE OCCURRED.

4 * * *

5 "General protective services." Those services and activities
6 provided by each county agency for [nonabuse] cases requiring
7 protective services, as defined by the [Department of Public
8 Welfare] department in regulations.

9 ~~"Indicated report." [A child abuse report made pursuant to~~ <--
10 ~~this chapter if an investigation by the county agency or the~~
11 ~~Department of Public Welfare determines that substantial~~
12 ~~evidence of the alleged abuse exists based on any of the~~
13 ~~following:~~

14 ~~(1) Available medical evidence.~~

15 ~~(2) The child protective service investigation.~~

16 ~~(3) An admission of the acts of abuse by the~~
17 ~~perpetrator.]~~

18 ~~(1) Subject to paragraphs (2) and (3), a report of child~~
19 ~~abuse made pursuant to this chapter if an investigation by~~
20 ~~the department or county agency determines that substantial~~
21 ~~evidence of the alleged abuse by a perpetrator exists based~~
22 ~~on any of the following:~~

23 ~~(i) Available medical evidence.~~

24 ~~(ii) The child protective service investigation.~~

25 ~~(iii) An admission of the acts of abuse by the~~
26 ~~perpetrator.~~

27 ~~(2) A report may be indicated under paragraph (1) (i) or~~
28 ~~(ii) for any child in need of child protective services,~~
29 ~~regardless of the number of alleged perpetrators or the~~
30 ~~inability to identify the specific perpetrator among two or~~

1 ~~more alleged perpetrators.~~

2 ~~(3) A report may be indicated by a county agency under~~
3 ~~paragraph (1) only upon the approval of the county agency~~
4 ~~administrator, or designee, and a county agency solicitor.~~

5 ~~(4) A report may be indicated by the department under~~
6 ~~paragraph (1) only upon approval of the secretary, or~~
7 ~~designee, and legal counsel for the department.~~

8 * * *

<--

9 ["Indicated report for school employee." A report made under
10 Subchapter C.1 (relating to students in public and private
11 schools) if an investigation by the county agency determines
12 that substantial evidence of serious bodily injury or sexual
13 abuse or exploitation exists based on any of the following:

14 (1) Available medical evidence.

15 (2) The county agency's investigation.

16 (3) An admission of the acts of abuse by the school
17 employee.

18 "Individual residing in the same home as the child." An
19 individual who is 14 years of age or older and who resides in
20 the same home as the child.]

21 ~~"Independent contractor." An individual who provides a~~
22 ~~program, activity or service to an agency, institution,~~
23 ~~organization or other entity, including a school or regularly~~
24 ~~established religious organization, that is responsible for the~~
25 ~~care, supervision, guidance or control of children. The term~~
26 ~~does not include an individual who has no direct contact with~~
27 ~~children.~~

<--

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

30 * * *

<--

1 "Near fatality." [An act that, as certified by a physician,
2 places a child in serious or critical condition.] A child's
3 serious or critical condition, as certified by a physician,
4 where that child is a subject of the report of child abuse.

5 * * *

6 "School." A facility providing elementary, secondary or
7 postsecondary educational services. The term includes the
8 following:

9 (1) Any school of a school district.

10 (2) An area vocational-technical school.

11 (3) A joint school.

12 (4) An intermediate unit.

13 (5) A charter school or regional charter school.

14 (6) A cyber charter school.

15 (7) A private school licensed under the act of January
16 28, 1988 (P.L.24, No.11), known as the Private Academic
17 Schools Act.

18 (8) A private school accredited by an accrediting
19 association approved by the State Board of Education.

20 (9) A nonpublic school.

21 (10) A community college which is an institution now or
22 hereafter created pursuant to Article XIX-A of the act of
23 March 10, 1949 (P.L.30, No.14), known as the Public School
24 Code of 1949, or the former act of August 24, 1963 (P.L.1132,
25 No.484), known as the Community College Act of 1963.

26 (11) An independent institution of higher education
27 which is an institution of higher education which is operated
28 not for profit, located in and incorporated or chartered by
29 the Commonwealth, entitled to confer degrees as set forth in
30 24 Pa.C.S. § 6505 (relating to power to confer degrees) and

1 entitled to apply to itself the designation "college" or
2 "university" as provided for by standards and qualifications
3 prescribed by the State Board of Education pursuant to 24
4 Pa.C.S. Ch. 65 (relating to private colleges, universities
5 and seminaries).

6 (12) A State-owned university.

7 (13) A State-related university.

8 (14) A private school licensed under the act of December
9 15, 1986 (P.L.1585, No.174), known as the Private Licensed
10 Schools Act.

11 (15) Hiram G. Andrews Center.

12 (16) A private residential rehabilitative institution as
13 defined in section 914.1-A(c) of the Public School Code of
14 1949.

15 "School employee." An individual who is employed by a
16 [public or private school, intermediate unit or area vocational-
17 technical] school or who provides a program, activity or service
18 in SPONSORED BY a school. [The term includes an independent <--
19 contractor ~~and employees~~.] ~~†The term excludes an individual <--~~
20 who has no direct contact with [students] CHILDREN. † <--

21 * * *

22 Section 2. ~~Section 6311 6311(C) of Title 23 is~~ SECTIONS <--

23 6311(C) AND 6343(C) (3) OF TITLE 23 ARE amended to read:

24 § 6311. ~~†Persons required to report suspected child abuse.~~ <--

25 ~~(a) General rule. A person who, in the course of~~ <--

26 ~~employment, occupation or practice of a profession, comes into~~

27 ~~contact with children shall report or cause a report to be made~~

28 ~~in accordance with section 6313 (relating to reporting~~

29 ~~procedure) when the person has reasonable cause to suspect, on~~

30 ~~the basis of medical, professional or other training and~~

1 ~~experience, that a child under the care, supervision, guidance~~
2 ~~or training of that person or of an agency, institution,~~
3 ~~organization or other entity with which that person is~~
4 ~~affiliated is a victim of child abuse, including child abuse by~~
5 ~~an individual who is not a perpetrator. Except with respect to~~
6 ~~confidential communications made to a member of the clergy which~~
7 ~~are protected under 42 Pa.C.S. § 5943 (relating to confidential~~
8 ~~communications to clergymen), and except with respect to~~
9 ~~confidential communications made to an attorney which are~~
10 ~~protected by 42 Pa.C.S. § 5916 (relating to confidential~~
11 ~~communications to attorney) or 5928 (relating to confidential~~
12 ~~communications to attorney), the privileged communication~~
13 ~~between any professional person required to report and the~~
14 ~~patient or client of that person shall not apply to situations~~
15 ~~involving child abuse and shall not constitute grounds for~~
16 ~~failure to report as required by this chapter.~~

17 ~~(b) Enumeration of persons required to report. Persons~~
18 ~~required to report under subsection (a) include, but are not~~
19 ~~limited to, any licensed physician, osteopath, medical examiner,~~
20 ~~coroner, funeral director, dentist, optometrist, chiropractor,~~
21 ~~podiatrist, intern, registered nurse, licensed practical nurse,~~
22 ~~hospital personnel engaged in the admission, examination, care~~
23 ~~or treatment of persons, Christian Science practitioner, member~~
24 ~~of the clergy, school administrator, school teacher, school~~
25 ~~nurse, social services worker, day care center worker or any~~
26 ~~other child care or foster care worker, mental health~~
27 ~~professional, peace officer or law enforcement official.~~

28 * * *

<--

29 (c) Staff members of institutions, etc.--Whenever a person
30 is required to report under subsection (b) in the capacity as a

1 member of the staff of a medical or other public or private
2 institution, school, facility or agency, that person shall
3 REPORT IMMEDIATELY IN ACCORDANCE WITH SECTION 6313 AND SHALL <--
4 immediately THEREAFTER notify the person in charge of the <--
5 institution, school, facility or agency or the designated agent
6 of the person in charge. Upon notification, the person in charge
7 or the designated agent, if any, shall [assume the <--
8 responsibility and have the legal obligation to report or cause
9 a report to be made in accordance with section 6313.] FACILITATE <--
10 THE COOPERATION OF THE INSTITUTION, SCHOOL, FACILITY OR AGENCY
11 WITH THE INVESTIGATION OF THE REPORT. ANY INTIMIDATION,
12 RETALIATION OR OBSTRUCTION IN THE INVESTIGATION OF THE REPORT IS
13 SUBJECT TO THE PROVISIONS OF 18 PA.C.S. § 4958 (RELATING TO
14 INTIMIDATION, RETALIATION OR OBSTRUCTION IN CHILD ABUSE CASES).
15 This chapter does not require more than one report from any such
16 institution, school, facility or agency.

17 ~~(d) Civil action for discrimination against person filing~~ <--
18 ~~report. Any person who, under this section, is required to~~
19 ~~report or cause a report of suspected child abuse to be made and~~
20 ~~who, in good faith, makes or causes the report to be made and,~~
21 ~~as a result thereof, is discharged from his employment or in any~~
22 ~~other manner is discriminated against with respect to~~
23 ~~compensation, hire, tenure, terms, conditions or privileges of~~
24 ~~employment, may commence an action in the court of common pleas~~
25 ~~of the county in which the alleged unlawful discharge or~~
26 ~~discrimination occurred for appropriate relief. If the court~~
27 ~~finds that the person is an individual who, under this section,~~
28 ~~is required to report or cause a report of suspected child abuse~~
29 ~~to be made and who, in good faith, made or caused to be made a~~
30 ~~report of suspected child abuse and, as a result thereof, was~~

1 ~~discharged or discriminated against with respect to~~
2 ~~compensation, hire, tenure, terms, conditions or privileges of~~
3 ~~employment, it may issue an order granting appropriate relief,~~
4 ~~including, but not limited to, reinstatement with back pay. The~~
5 ~~department may intervene in any action commenced under this~~
6 ~~subsection.] (Reserved).~~

7 * * * <--

8 Section 2.1. Title 23 is amended by adding a section to <--
9 read:

10 ~~§ 6311.1. Mandated Reporters.~~

11 ~~The following adults shall make a report of suspected child~~
12 ~~abuse if the person has reasonable cause to suspect that a child~~
13 ~~is a victim of child abuse:~~

14 ~~(1) A person licensed or certified to practice in any~~
15 ~~health related field under the jurisdiction of the Department~~
16 ~~of State.~~

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

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

21 ~~(4) A school administrator, teacher, nurse, guidance~~
22 ~~counselor, coach or other school employee.~~

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

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

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

1 ~~responsibility for a child.~~

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

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

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

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

10 ~~(12) An independent contractor.~~

11 Section 2.2. Section 6313 of Title 23 is amended to read:

12 ~~§ 6313. Reporting procedure.~~

13 ~~{(a) General rule. Reports from persons required to report~~
14 ~~under section 6311 (relating to persons required to report~~
15 ~~suspected child abuse) shall be made immediately by telephone~~
16 ~~and in writing within 48 hours after the oral report.~~

17 ~~(b) Oral reports. Oral reports shall be made to the~~
18 ~~department pursuant to Subchapter C (relating to powers and~~
19 ~~duties of department) and may be made to the appropriate county~~
20 ~~agency. When oral reports of suspected child abuse are initially~~
21 ~~received at the county agency, the protective services staff~~
22 ~~shall, after seeing to the immediate safety of the child and~~
23 ~~other children in the home, immediately notify the department of~~
24 ~~the receipt of the report, which is to be held in the pending~~
25 ~~complaint file as provided in Subchapter C. The initial child~~
26 ~~abuse report summary shall be supplemented with a written report~~
27 ~~when a determination is made as to whether a report of suspected~~
28 ~~child abuse is a founded report, an unfounded report or an~~
29 ~~indicated report.~~

30 ~~(c) Written reports. Written reports from persons required~~

1 ~~to report under section 6311 shall be made to the appropriate~~
2 ~~county agency in a manner and on forms the department prescribes~~
3 ~~by regulation. The written reports shall include the following~~
4 ~~information if available:~~

5 ~~(1) The names and addresses of the child and the parents~~
6 ~~or other person responsible for the care of the child if~~
7 ~~known.~~

8 ~~(2) Where the suspected abuse occurred.~~

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

10 ~~(4) The nature and extent of the suspected child abuse,~~
11 ~~including any evidence of prior abuse to the child or~~
12 ~~siblings of the child.~~

13 ~~(5) The name and relationship of the person or persons~~
14 ~~responsible for causing the suspected abuse, if known, and~~
15 ~~any evidence of prior abuse by that person or persons.~~

16 ~~(6) Family composition.~~

17 ~~(7) The source of the report.~~

18 ~~(8) The person making the report and where that person~~
19 ~~can be reached.~~

20 ~~(9) The actions taken by the reporting source, including~~
21 ~~the taking of photographs and X rays, removal or keeping of~~
22 ~~the child or notifying the medical examiner or coroner.~~

23 ~~(10) Any other information which the department may~~
24 ~~require by regulation.~~

25 ~~(d) Failure to confirm oral report. The failure of a person~~
26 ~~reporting cases of suspected child abuse to confirm an oral~~
27 ~~report in writing within 48 hours shall not relieve the county~~
28 ~~agency from any duties prescribed by this chapter. In such~~
29 ~~event, the county agency shall proceed as if a written report~~
30 ~~were actually made.]~~

1 ~~(a) Report by mandated reporter.~~

2 ~~(1) A mandated reporter shall immediately make an oral~~
3 ~~report of suspected child abuse to the department via the~~
4 ~~Statewide toll free telephone number under section 6332~~
5 ~~(relating to establishment of Statewide toll free telephone~~
6 ~~number) or a written report using electronic technologies~~
7 ~~under section 6304 (relating to electronic reporting).~~

8 ~~(2) A mandated reporter making an oral report under~~
9 ~~paragraph (1) of suspected child abuse shall also make a~~
10 ~~written report, which may be submitted electronically, within~~
11 ~~48 hours to the department or county agency assigned to the~~
12 ~~case in a manner and format prescribed by the department.~~

13 ~~(3) The failure of the mandated reporter to file the~~
14 ~~report under paragraph (2) shall not relieve the county~~
15 ~~agency from any duty under this chapter, and the county~~
16 ~~agency shall proceed as though the mandated reporter complied~~
17 ~~with paragraph (2).~~

18 ~~(4) A mandated reporter making a report shall notify~~
19 ~~immediately thereafter the person in charge of the~~
20 ~~institution, school, facility or agency or the designated~~
21 ~~agent of the person in charge.~~

22 ~~(b) Contents of report. A written report of suspected child~~
23 ~~abuse, which may be submitted electronically, shall include the~~
24 ~~following information, if known:~~

25 ~~(1) The names and addresses of the child, the child's~~
26 ~~parents and any other person responsible for the child's~~
27 ~~welfare.~~

28 ~~(2) Where the suspected abuse occurred.~~

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

30 ~~(4) The nature and extent of the suspected child abuse,~~

~~including any evidence of prior abuse to the child or any sibling of the child.~~

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

~~(6) Family composition.~~

~~(7) The source of the report.~~

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

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

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

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

~~Section 3. Subchapter C.1 of Chapter 63 of Title 23 is repealed:~~

~~{SUBCHAPTER C.1~~

~~STUDENTS IN PUBLIC AND PRIVATE SCHOOLS~~

~~See.~~

~~6351. Definitions.~~

~~6352. School employees.~~

~~6353. Administration.~~

~~6353.1. Investigation.~~

~~6353.2. Responsibilities of county agency.~~

1 ~~6353.3. Information in Statewide central register.~~

2 ~~6353.4. Other provisions.~~

3 ~~§ 6351. Definitions.~~

4 ~~The following words and phrases when used in this subchapter~~
5 ~~shall have the meanings given to them in this section unless the~~
6 ~~context clearly indicates otherwise:~~

7 ~~"Administrator." The person responsible for the~~
8 ~~administration of a public or private school, intermediate unit~~
9 ~~or area vocational technical school. The term includes an~~
10 ~~independent contractor.~~

11 ~~§ 6352. School employees.~~

12 ~~(a) Requirement.~~

13 ~~(1) Except as provided in paragraph (2), a school~~
14 ~~employee who has reasonable cause to suspect, on the basis of~~
15 ~~professional or other training and experience, that a student~~
16 ~~coming before the school employee in the employee's~~
17 ~~professional or official capacity is a victim of serious~~
18 ~~bodily injury or sexual abuse or sexual exploitation by a~~
19 ~~school employee shall immediately contact the administrator.~~

20 ~~(2) If the school employee accused of seriously injuring~~
21 ~~or sexually abusing or exploiting a student is the~~
22 ~~administrator, the school employee who has reasonable cause~~
23 ~~to suspect, on the basis of professional or other training~~
24 ~~and experience, that a student coming before the school~~
25 ~~employee in the employee's professional or official capacity~~
26 ~~is a victim of serious bodily injury or sexual abuse or~~
27 ~~sexual exploitation shall immediately report to law~~
28 ~~enforcement officials and the district attorney under section~~
29 ~~6353(a) (relating to administration). If an administrator is~~
30 ~~the school employee who suspects injury or abuse, the~~

1 ~~administrator shall make a report under section 6353(a).~~

2 ~~(3) The school employee may not reveal the existence or~~
3 ~~content of the report to any other person.~~

4 ~~(b) Immunity. A school employee who refers a report under~~
5 ~~subsection (a) shall be immune from civil and criminal liability~~
6 ~~arising out of the report.~~

7 ~~(c) Criminal penalty.~~

8 ~~(1) A school employee who willfully violates subsection~~
9 ~~(a) commits a summary offense.~~

10 ~~(2) A school employee who, after being sentenced under~~
11 ~~paragraph (1), violates subsection (a) commits a misdemeanor~~
12 ~~of the third degree.~~

13 ~~§ 6353. Administration.~~

14 ~~(a) Requirement. An administrator and a school employee~~
15 ~~governed by section 6352(a)(2) (relating to school employees)~~
16 ~~shall report immediately to law enforcement officials and the~~
17 ~~appropriate district attorney any report of serious bodily~~
18 ~~injury or sexual abuse or sexual exploitation alleged to have~~
19 ~~been committed by a school employee against a student.~~

20 ~~(b) Report. A report under subsection (a) shall include the~~
21 ~~following information:~~

22 ~~(1) Name, age, address and school of the student.~~

23 ~~(2) Name and address of the student's parent or~~
24 ~~guardian.~~

25 ~~(3) Name and address of the administrator.~~

26 ~~(4) Name, work and home address of the school employee.~~

27 ~~(5) Nature of the alleged offense.~~

28 ~~(6) Any specific comments or observations that are~~
29 ~~directly related to the alleged incident and the individuals~~
30 ~~involved.~~

1 ~~(c) Immunity. An administrator who makes a report under~~
2 ~~subsection (a) shall be immune from civil or criminal liability~~
3 ~~arising out of the report.~~

4 ~~(d) Criminal penalty. An administrator who willfully~~
5 ~~violates subsection (a) commits a misdemeanor of the third~~
6 ~~degree.~~

7 ~~§ 6353.1. Investigation.~~

8 ~~(a) General rule. Upon receipt of a report under section~~
9 ~~6353 (relating to administration), an investigation shall be~~
10 ~~conducted by law enforcement officials, in cooperation with the~~
11 ~~district attorney, and a determination made as to what criminal~~
12 ~~charges, if any, will be filed against the school employee.~~

13 ~~(b) Referral to county agency.~~

14 ~~(1) If local law enforcement officials have reasonable~~
15 ~~cause to suspect on the basis of initial review that there is~~
16 ~~evidence of serious bodily injury, sexual abuse or sexual~~
17 ~~exploitation committed by a school employee against a~~
18 ~~student, local law enforcement officials shall notify the~~
19 ~~county agency in the county where the alleged abuse or injury~~
20 ~~occurred for the purpose of the agency conducting an~~
21 ~~investigation of the alleged abuse or injury.~~

22 ~~(2) To the fullest extent possible, law enforcement~~
23 ~~officials and the county agency shall coordinate their~~
24 ~~respective investigations. In respect to interviews with the~~
25 ~~student, law enforcement officials and the county agency~~
26 ~~shall conduct joint interviews. In respect to interviews with~~
27 ~~the school employee, law enforcement officials shall be given~~
28 ~~an opportunity to interview the school employee prior to the~~
29 ~~employee having any contact with the county agency.~~

30 ~~(3) The county agency and law enforcement officials have~~

1 ~~the authority to arrange for photographs, medical tests or X-~~
2 ~~rays of a student alleged to have been abused or injured by a~~
3 ~~school employee. The county agency and law enforcement~~
4 ~~officials shall coordinate their efforts in this regard and,~~
5 ~~to the fullest extent possible, avoid the duplication of any~~
6 ~~photographs, medical tests or X rays.~~

7 ~~(4) Law enforcement officials and the county agency~~
8 ~~shall advise each other of the status and findings of their~~
9 ~~respective investigations on an ongoing basis.~~

10 ~~§ 6353.2. Responsibilities of county agency.~~

11 ~~(a) Information for the pending complaint file. Immediately~~
12 ~~after receiving a report under section 6353.1 (relating to~~
13 ~~investigation), the county agency shall notify the department of~~
14 ~~the receipt of the report, which is to be filed in the pending~~
15 ~~complaint file as provided in section 6331(1) (relating to~~
16 ~~establishment of pending complaint file, Statewide central~~
17 ~~register and file of unfounded reports). The oral report shall~~
18 ~~include the following information:~~

19 ~~(1) The name and address of the student and the~~
20 ~~student's parent or guardian.~~

21 ~~(2) Where the suspected abuse or injury occurred.~~

22 ~~(3) The age and sex of the student.~~

23 ~~(4) The nature and extent of the suspected abuse or~~
24 ~~injury.~~

25 ~~(5) The name and home address of the school employee~~
26 ~~alleged to have committed the abuse or injury.~~

27 ~~(6) The relationship of the student to the school~~
28 ~~employee alleged to have committed the abuse or injury.~~

29 ~~(7) The source of the report to the county agency.~~

30 ~~(8) The actions taken by the county agency, law~~

1 ~~enforcement officials, parents, guardians, school officials~~
2 ~~or other persons, including the taking of photographs,~~
3 ~~medical tests and X-rays.~~

4 ~~(b) Investigation of reports. Upon receipt of a report~~
5 ~~under section 6353.1, the county agency shall commence, within~~
6 ~~the time frames established in department regulations, an~~
7 ~~investigation of the nature, extent and cause of any alleged~~
8 ~~abuse or injury enumerated in the report. The county agency~~
9 ~~shall coordinate its investigation to the fullest extent~~
10 ~~possible with law enforcement officials as provided in section~~
11 ~~6353.1(b).~~

12 ~~(c) Completion of investigation. The investigation by the~~
13 ~~county agency to determine whether the report is an indicated~~
14 ~~report for school employee or an unfounded report shall be~~
15 ~~completed within 60 days.~~

16 ~~(d) Notice to subject of a report. Prior to interviewing a~~
17 ~~subject of the report, the county agency shall orally notify the~~
18 ~~subject of the report of the existence of the report and the~~
19 ~~subject's rights under this chapter in regard to amendment or~~
20 ~~expungement. Within 72 hours following oral notification to the~~
21 ~~subject, the county agency shall give written notice to the~~
22 ~~subject. The notice may be reasonably delayed if notification is~~
23 ~~likely to threaten the safety of the student or the county~~
24 ~~agency worker, to cause the school employee to abscond or to~~
25 ~~significantly interfere with the conduct of a criminal~~
26 ~~investigation.~~

27 ~~(e) Reliance on factual investigation. The county agency~~
28 ~~may rely on a factual investigation of substantially the same~~
29 ~~allegations by a law enforcement officials to support the~~
30 ~~agency's finding. This reliance shall not relieve the county~~

1 ~~agency of its responsibilities relating to the investigation of~~
2 ~~reports under this subchapter.~~

3 ~~(f) Notice to the department of the county agency's~~
4 ~~determination. As soon as the county agency has completed its~~
5 ~~investigation, the county agency shall advise the department and~~
6 ~~law enforcement officials of its determination of the report as~~
7 ~~an indicated report for school employee or an unfounded report.~~
8 ~~Supplemental reports shall be made at regular intervals~~
9 ~~thereafter in a manner and form the department prescribes by~~
10 ~~regulation to the end that the department is kept fully informed~~
11 ~~and up to date concerning the status of the report.~~

12 ~~§ 6353.3. Information in Statewide central register.~~

13 ~~The Statewide central register established under section 6331~~
14 ~~(relating to establishment of pending complaint file, Statewide~~
15 ~~central register and file of unfounded reports) shall retain~~
16 ~~only the following information relating to reports of abuse or~~
17 ~~injury of a student by a school employee which have been~~
18 ~~determined to be a founded report for school employee or an~~
19 ~~indicated report for school employee:~~

20 ~~(1) The names, Social Security numbers, age and sex of~~
21 ~~the subjects of the report.~~

22 ~~(2) The home address of the subjects of the report.~~

23 ~~(3) The date and the nature and extent of the alleged~~
24 ~~abuse or injury.~~

25 ~~(4) The county and state where the abuse or injury~~
26 ~~occurred.~~

27 ~~(5) Factors contributing to the abuse or injury.~~

28 ~~(6) The source of the report.~~

29 ~~(7) Whether the report is a founded or indicated report.~~

30 ~~(8) Information obtained by the department in relation~~

1 ~~to the school employee's request to release, amend or expunge~~
2 ~~information retained by the department or the county agency.~~

3 ~~(9) The progress of any legal proceedings brought on the~~
4 ~~basis of the report.~~

5 ~~(10) Whether a criminal investigation has been~~
6 ~~undertaken and the result of the investigation and of any~~
7 ~~criminal prosecution.~~

8 ~~§ 6353.4. Other provisions.~~

9 ~~The following provisions shall apply to the release and~~
10 ~~retention of information by the department and the county agency~~
11 ~~concerning reports of abuse or injury committed by a school~~
12 ~~employee as provided by this subchapter:~~

13 ~~Section 6336(b) and (c) (relating to information in Statewide~~
14 ~~central register).~~

15 ~~Section 6337 (relating to disposition of unfounded reports).~~

16 ~~Section 6338(a) and (b) (relating to disposition of founded~~
17 ~~and indicated reports).~~

18 ~~Section 6339 (relating to confidentiality of reports).~~

19 ~~Section 6340 (relating to release of information in~~
20 ~~confidential reports).~~

21 ~~Section 6341(a) through (f) (relating to amendment or~~
22 ~~expunction of information).~~

23 ~~Section 6342 (relating to studies of data in records).]~~

24 § 6343. INVESTIGATING PERFORMANCE OF COUNTY AGENCY.

<--

25 * * *

26 (C) DEPARTMENT REVIEWS AND REPORTS OF CHILD FATALITIES AND
27 NEAR FATALITIES.--

28 * * *

29 (3) PRIOR TO COMPLETING ITS REPORT, THE DEPARTMENT MAY
30 RELEASE THE FOLLOWING INFORMATION TO THE PUBLIC CONCERNING A

1 CHILD WHO DIED OR NEARLY DIED AS A RESULT OF SUSPECTED OR
2 SUBSTANTIATED CHILD ABUSE:

3 (I) THE IDENTITY OF THE CHILD, ONLY IN THE CASE OF A
4 CHILD'S FATALITY.

5 (II) IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC OR
6 PRIVATE AGENCY, THE IDENTITY OF THE AGENCY.

7 (III) THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY
8 UNDER CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES
9 TO THE CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME
10 PRIOR TO THE CHILD'S DEATH OR NEAR FATALITY.

11 (IV) A DESCRIPTION OF SERVICES PROVIDED UNDER
12 SUBPARAGRAPH (III).

13 (V) THE IDENTITY OF THE COUNTY AGENCY THAT CONVENED
14 A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM WITH
15 RESPECT TO THE CHILD.

16 * * *

17 SECTION 3. SUBCHAPTER C.1 HEADING OF CHAPTER 63 OF TITLE 23 <--
18 IS REPEALED:

19 [SUBCHAPTER C.1

20 STUDENTS IN PUBLIC AND PRIVATE SCHOOLS]

21 SECTION 4. SECTIONS 6351, 6352, 6353 AND 6353.1 OF TITLE 23
22 ARE REPEALED:

23 [§ 6351. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "ADMINISTRATOR." THE PERSON RESPONSIBLE FOR THE
28 ADMINISTRATION OF A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT
29 OR AREA VOCATIONAL-TECHNICAL SCHOOL. THE TERM INCLUDES AN
30 INDEPENDENT CONTRACTOR.

1 § 6352. SCHOOL EMPLOYEES.

2 (A) REQUIREMENT.--

3 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A SCHOOL
4 EMPLOYEE WHO HAS REASONABLE CAUSE TO SUSPECT, ON THE BASIS OF
5 PROFESSIONAL OR OTHER TRAINING AND EXPERIENCE, THAT A STUDENT
6 COMING BEFORE THE SCHOOL EMPLOYEE IN THE EMPLOYEE'S
7 PROFESSIONAL OR OFFICIAL CAPACITY IS A VICTIM OF SERIOUS
8 BODILY INJURY OR SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A
9 SCHOOL EMPLOYEE SHALL IMMEDIATELY CONTACT THE ADMINISTRATOR.

10 (2) IF THE SCHOOL EMPLOYEE ACCUSED OF SERIOUSLY INJURING
11 OR SEXUALLY ABUSING OR EXPLOITING A STUDENT IS THE
12 ADMINISTRATOR, THE SCHOOL EMPLOYEE WHO HAS REASONABLE CAUSE
13 TO SUSPECT, ON THE BASIS OF PROFESSIONAL OR OTHER TRAINING
14 AND EXPERIENCE, THAT A STUDENT COMING BEFORE THE SCHOOL
15 EMPLOYEE IN THE EMPLOYEE'S PROFESSIONAL OR OFFICIAL CAPACITY
16 IS A VICTIM OF SERIOUS BODILY INJURY OR SEXUAL ABUSE OR
17 SEXUAL EXPLOITATION SHALL IMMEDIATELY REPORT TO LAW
18 ENFORCEMENT OFFICIALS AND THE DISTRICT ATTORNEY UNDER SECTION
19 6353(A) (RELATING TO ADMINISTRATION). IF AN ADMINISTRATOR IS
20 THE SCHOOL EMPLOYEE WHO SUSPECTS INJURY OR ABUSE, THE
21 ADMINISTRATOR SHALL MAKE A REPORT UNDER SECTION 6353(A).

22 (3) THE SCHOOL EMPLOYEE MAY NOT REVEAL THE EXISTENCE OR
23 CONTENT OF THE REPORT TO ANY OTHER PERSON.

24 (B) IMMUNITY.--A SCHOOL EMPLOYEE WHO REFERS A REPORT UNDER
25 SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY
26 ARISING OUT OF THE REPORT.

27 (C) CRIMINAL PENALTY.--

28 (1) A SCHOOL EMPLOYEE WHO WILLFULLY VIOLATES SUBSECTION
29 (A) COMMITS A SUMMARY OFFENSE.

30 (2) A SCHOOL EMPLOYEE WHO, AFTER BEING SENTENCED UNDER

1 PARAGRAPH (1), VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR
2 OF THE THIRD DEGREE.

3 § 6353. ADMINISTRATION.

4 (A) REQUIREMENT.--AN ADMINISTRATOR AND A SCHOOL EMPLOYEE
5 GOVERNED BY SECTION 6352(A)(2) (RELATING TO SCHOOL EMPLOYEES)
6 SHALL REPORT IMMEDIATELY TO LAW ENFORCEMENT OFFICIALS AND THE
7 APPROPRIATE DISTRICT ATTORNEY ANY REPORT OF SERIOUS BODILY
8 INJURY OR SEXUAL ABUSE OR SEXUAL EXPLOITATION ALLEGED TO HAVE
9 BEEN COMMITTED BY A SCHOOL EMPLOYEE AGAINST A STUDENT.

10 (B) REPORT.--A REPORT UNDER SUBSECTION (A) SHALL INCLUDE THE
11 FOLLOWING INFORMATION:

12 (1) NAME, AGE, ADDRESS AND SCHOOL OF THE STUDENT.

13 (2) NAME AND ADDRESS OF THE STUDENT'S PARENT OR
14 GUARDIAN.

15 (3) NAME AND ADDRESS OF THE ADMINISTRATOR.

16 (4) NAME, WORK AND HOME ADDRESS OF THE SCHOOL EMPLOYEE.

17 (5) NATURE OF THE ALLEGED OFFENSE.

18 (6) ANY SPECIFIC COMMENTS OR OBSERVATIONS THAT ARE
19 DIRECTLY RELATED TO THE ALLEGED INCIDENT AND THE INDIVIDUALS
20 INVOLVED.

21 (C) IMMUNITY.--AN ADMINISTRATOR WHO MAKES A REPORT UNDER
22 SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY
23 ARISING OUT OF THE REPORT.

24 (D) CRIMINAL PENALTY.--AN ADMINISTRATOR WHO WILLFULLY
25 VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR OF THE THIRD
26 DEGREE.

27 § 6353.1. INVESTIGATION.

28 (A) GENERAL RULE.--UPON RECEIPT OF A REPORT UNDER SECTION
29 6353 (RELATING TO ADMINISTRATION), AN INVESTIGATION SHALL BE
30 CONDUCTED BY LAW ENFORCEMENT OFFICIALS, IN COOPERATION WITH THE

1 DISTRICT ATTORNEY, AND A DETERMINATION MADE AS TO WHAT CRIMINAL
2 CHARGES, IF ANY, WILL BE FILED AGAINST THE SCHOOL EMPLOYEE.

3 (B) REFERRAL TO COUNTY AGENCY.--

4 (1) IF LOCAL LAW ENFORCEMENT OFFICIALS HAVE REASONABLE
5 CAUSE TO SUSPECT ON THE BASIS OF INITIAL REVIEW THAT THERE IS
6 EVIDENCE OF SERIOUS BODILY INJURY, SEXUAL ABUSE OR SEXUAL
7 EXPLOITATION COMMITTED BY A SCHOOL EMPLOYEE AGAINST A
8 STUDENT, LOCAL LAW ENFORCEMENT OFFICIALS SHALL NOTIFY THE
9 COUNTY AGENCY IN THE COUNTY WHERE THE ALLEGED ABUSE OR INJURY
10 OCCURRED FOR THE PURPOSE OF THE AGENCY CONDUCTING AN
11 INVESTIGATION OF THE ALLEGED ABUSE OR INJURY.

12 (2) TO THE FULLEST EXTENT POSSIBLE, LAW ENFORCEMENT
13 OFFICIALS AND THE COUNTY AGENCY SHALL COORDINATE THEIR
14 RESPECTIVE INVESTIGATIONS. IN RESPECT TO INTERVIEWS WITH THE
15 STUDENT, LAW ENFORCEMENT OFFICIALS AND THE COUNTY AGENCY
16 SHALL CONDUCT JOINT INTERVIEWS. IN RESPECT TO INTERVIEWS WITH
17 THE SCHOOL EMPLOYEE, LAW ENFORCEMENT OFFICIALS SHALL BE GIVEN
18 AN OPPORTUNITY TO INTERVIEW THE SCHOOL EMPLOYEE PRIOR TO THE
19 EMPLOYEE HAVING ANY CONTACT WITH THE COUNTY AGENCY.

20 (3) THE COUNTY AGENCY AND LAW ENFORCEMENT OFFICIALS HAVE
21 THE AUTHORITY TO ARRANGE FOR PHOTOGRAPHS, MEDICAL TESTS OR X-
22 RAYS OF A STUDENT ALLEGED TO HAVE BEEN ABUSED OR INJURED BY A
23 SCHOOL EMPLOYEE. THE COUNTY AGENCY AND LAW ENFORCEMENT
24 OFFICIALS SHALL COORDINATE THEIR EFFORTS IN THIS REGARD AND,
25 TO THE FULLEST EXTENT POSSIBLE, AVOID THE DUPLICATION OF ANY
26 PHOTOGRAPHS, MEDICAL TESTS OR X-RAYS.

27 (4) LAW ENFORCEMENT OFFICIALS AND THE COUNTY AGENCY
28 SHALL ADVISE EACH OTHER OF THE STATUS AND FINDINGS OF THEIR
29 RESPECTIVE INVESTIGATIONS ON AN ONGOING BASIS.]

30 SECTION 5. SECTIONS 6353.2 AND 6353.3 OF TITLE 23, AMENDED

1 DECEMBER 18, 2013 (P.L.1201, NO.119), ARE REPEALED:

2 [§ 6353.2. RESPONSIBILITIES OF COUNTY AGENCY.

3 (A) INFORMATION FOR THE PENDING COMPLAINT FILE.--IMMEDIATELY
4 AFTER RECEIVING A REPORT UNDER SECTION 6353.1 (RELATING TO
5 INVESTIGATION), THE COUNTY AGENCY SHALL NOTIFY THE DEPARTMENT OF
6 THE RECEIPT OF THE REPORT, WHICH IS TO BE FILED IN THE PENDING
7 COMPLAINT FILE AS PROVIDED IN SECTION 6331(1) (RELATING TO
8 ESTABLISHMENT OF PENDING COMPLAINT FILE, STATEWIDE CENTRAL
9 REGISTER AND FILE OF UNFOUNDED REPORTS). THE ORAL REPORT SHALL
10 INCLUDE THE FOLLOWING INFORMATION:

11 (1) THE NAME AND ADDRESS OF THE STUDENT AND THE
12 STUDENT'S PARENT OR GUARDIAN.

13 (2) WHERE THE SUSPECTED ABUSE OR INJURY OCCURRED.

14 (3) THE AGE AND SEX OF THE STUDENT.

15 (4) THE NATURE AND EXTENT OF THE SUSPECTED ABUSE OR
16 INJURY.

17 (5) THE NAME AND HOME ADDRESS OF THE SCHOOL EMPLOYEE
18 ALLEGED TO HAVE COMMITTED THE ABUSE OR INJURY.

19 (6) THE RELATIONSHIP OF THE STUDENT TO THE SCHOOL
20 EMPLOYEE ALLEGED TO HAVE COMMITTED THE ABUSE OR INJURY.

21 (7) THE SOURCE OF THE REPORT TO THE COUNTY AGENCY.

22 (8) THE ACTIONS TAKEN BY THE COUNTY AGENCY, LAW
23 ENFORCEMENT OFFICIALS, PARENTS, GUARDIANS, SCHOOL OFFICIALS
24 OR OTHER PERSONS, INCLUDING THE TAKING OF PHOTOGRAPHS,
25 MEDICAL TESTS AND X-RAYS.

26 (B) INVESTIGATION OF REPORTS.--UPON RECEIPT OF A REPORT
27 UNDER SECTION 6353.1, THE COUNTY AGENCY SHALL COMMENCE, WITHIN
28 THE TIME FRAMES ESTABLISHED IN DEPARTMENT REGULATIONS, AN
29 INVESTIGATION OF THE NATURE, EXTENT AND CAUSE OF ANY ALLEGED
30 ABUSE OR INJURY ENUMERATED IN THE REPORT. THE COUNTY AGENCY

1 SHALL COORDINATE ITS INVESTIGATION TO THE FULLEST EXTENT
2 POSSIBLE WITH LAW ENFORCEMENT OFFICIALS AS PROVIDED IN SECTION
3 6353.1(B).

4 (C) COMPLETION OF INVESTIGATION.--THE INVESTIGATION BY THE
5 COUNTY AGENCY TO DETERMINE WHETHER THE REPORT IS AN INDICATED
6 REPORT FOR SCHOOL EMPLOYEE OR AN UNFOUNDED REPORT SHALL BE
7 COMPLETED WITHIN 60 DAYS.

8 (D) NOTICE TO SUBJECT OF A REPORT.--PRIOR TO INTERVIEWING A
9 SUBJECT OF THE REPORT, THE COUNTY AGENCY SHALL ORALLY NOTIFY THE
10 SUBJECT OF THE REPORT OF THE EXISTENCE OF THE REPORT AND THE
11 SUBJECT'S RIGHTS UNDER THIS CHAPTER IN REGARD TO AMENDMENT OR
12 EXPUNGEMENT. WITHIN 72 HOURS FOLLOWING ORAL NOTIFICATION TO THE
13 SUBJECT, THE COUNTY AGENCY SHALL GIVE WRITTEN NOTICE TO THE
14 SUBJECT. THE NOTICE MAY BE REASONABLY DELAYED IF NOTIFICATION IS
15 LIKELY TO THREATEN THE SAFETY OF THE STUDENT OR THE COUNTY
16 AGENCY WORKER, TO CAUSE THE SCHOOL EMPLOYEE TO ABSCOND OR TO
17 SIGNIFICANTLY INTERFERE WITH THE CONDUCT OF A CRIMINAL
18 INVESTIGATION.

19 (E) RELIANCE ON FACTUAL INVESTIGATION.--THE COUNTY AGENCY
20 MAY RELY ON A FACTUAL INVESTIGATION OF SUBSTANTIALLY THE SAME
21 ALLEGATIONS BY A LAW ENFORCEMENT OFFICIALS TO SUPPORT THE
22 AGENCY'S FINDING. THIS RELIANCE SHALL NOT RELIEVE THE COUNTY
23 AGENCY OF ITS RESPONSIBILITIES RELATING TO THE INVESTIGATION OF
24 REPORTS UNDER THIS SUBCHAPTER.

25 (F) NOTICE TO THE DEPARTMENT OF THE COUNTY AGENCY'S
26 DETERMINATION.--AS SOON AS THE COUNTY AGENCY HAS COMPLETED ITS
27 INVESTIGATION, THE COUNTY AGENCY SHALL ADVISE THE DEPARTMENT AND
28 LAW ENFORCEMENT OFFICIALS OF ITS DETERMINATION OF THE REPORT AS
29 AN INDICATED REPORT FOR SCHOOL EMPLOYEE OR AN UNFOUNDED REPORT.
30 SUPPLEMENTAL REPORTS SHALL BE MADE AT REGULAR INTERVALS

1 THEREAFTER IN A MANNER AND FORM THE DEPARTMENT PRESCRIBES BY
2 REGULATION TO THE END THAT THE DEPARTMENT IS KEPT FULLY INFORMED
3 AND UP-TO-DATE CONCERNING THE STATUS OF THE REPORT.

4 § 6353.3. INFORMATION IN STATEWIDE CENTRAL REGISTER.

5 THE STATEWIDE CENTRAL REGISTER ESTABLISHED UNDER SECTION 6331
6 (RELATING TO ESTABLISHMENT OF PENDING COMPLAINT FILE, STATEWIDE
7 CENTRAL REGISTER AND FILE OF UNFOUNDED REPORTS) SHALL RETAIN
8 ONLY THE FOLLOWING INFORMATION RELATING TO REPORTS OF ABUSE OR
9 INJURY OF A STUDENT BY A SCHOOL EMPLOYEE WHICH HAVE BEEN
10 DETERMINED TO BE A FOUNDED REPORT FOR SCHOOL EMPLOYEE OR AN
11 INDICATED REPORT FOR SCHOOL EMPLOYEE:

12 (1) THE NAMES, SOCIAL SECURITY NUMBERS, AGE AND SEX OF
13 THE SUBJECTS OF THE REPORT.

14 (2) THE HOME ADDRESS OF THE SUBJECTS OF THE REPORT.

15 (3) THE DATE AND THE NATURE AND EXTENT OF THE ALLEGED
16 ABUSE OR INJURY.

17 (4) THE COUNTY AND STATE WHERE THE ABUSE OR INJURY
18 OCCURRED.

19 (5) FACTORS CONTRIBUTING TO THE ABUSE OR INJURY.

20 (6) THE SOURCE OF THE REPORT.

21 (7) WHETHER THE REPORT IS A FOUNDED OR INDICATED REPORT.

22 (8) INFORMATION OBTAINED BY THE DEPARTMENT IN RELATION
23 TO THE SCHOOL EMPLOYEE'S REQUEST TO RELEASE, AMEND OR EXPUNGE
24 INFORMATION RETAINED BY THE DEPARTMENT OR THE COUNTY AGENCY.

25 (9) THE PROGRESS OF ANY LEGAL PROCEEDINGS BROUGHT ON THE
26 BASIS OF THE REPORT.

27 (10) WHETHER A CRIMINAL INVESTIGATION HAS BEEN
28 UNDERTAKEN AND THE RESULT OF THE INVESTIGATION AND OF ANY
29 CRIMINAL PROSECUTION.]

30 SECTION 6. SECTION 6353.4 OF TITLE 23 IS REPEALED:

1 [§ 6353.4. OTHER PROVISIONS.

2 THE FOLLOWING PROVISIONS SHALL APPLY TO THE RELEASE AND
3 RETENTION OF INFORMATION BY THE DEPARTMENT AND THE COUNTY AGENCY
4 CONCERNING REPORTS OF ABUSE OR INJURY COMMITTED BY A SCHOOL
5 EMPLOYEE AS PROVIDED BY THIS SUBCHAPTER:

6 SECTION 6336(B) AND (C) (RELATING TO INFORMATION IN STATEWIDE
7 CENTRAL REGISTER).

8 SECTION 6337 (RELATING TO DISPOSITION OF UNFOUNDED REPORTS).

9 SECTION 6338(A) AND (B) (RELATING TO DISPOSITION OF FOUNDED
10 AND INDICATED REPORTS).

11 SECTION 6339 (RELATING TO CONFIDENTIALITY OF REPORTS).

12 SECTION 6340 (RELATING TO RELEASE OF INFORMATION IN
13 CONFIDENTIAL REPORTS).

14 SECTION 6341(A) THROUGH (F) (RELATING TO AMENDMENT OR
15 EXPUNCTION OF INFORMATION).

16 SECTION 6342 (RELATING TO STUDIES OF DATA IN RECORDS).]

17 SECTION 7. SECTION 6365 OF TITLE 23 IS AMENDED BY ADDING A
18 SUBSECTION TO READ:

19 § 6365. SERVICES FOR PREVENTION, INVESTIGATION AND TREATMENT OF
20 CHILD ABUSE.

21 * * *

22 (D.1) RELEASE BY COUNTY AGENCY.--PRIOR TO COMPLETING ITS
23 CHILD FATALITY OR NEAR FATALITY REPORT, THE INVESTIGATING COUNTY
24 AGENCY MAY RELEASE THE FOLLOWING INFORMATION TO THE PUBLIC
25 CONCERNING A CHILD WHO DIED OR NEARLY DIED AS A RESULT OF
26 SUSPECTED OR SUBSTANTIATED CHILD ABUSE:

27 (1) THE IDENTITY OF THE CHILD, ONLY IN THE CASE OF A <--
28 CHILD'S FATALITY.

29 (2) IF THE CHILD WAS IN THE CUSTODY OF A PUBLIC OR
30 PRIVATE AGENCY, THE IDENTITY OF THE AGENCY.

1 (3) THE IDENTITY OF THE PUBLIC OR PRIVATE AGENCY UNDER
2 CONTRACT WITH A COUNTY AGENCY TO PROVIDE SERVICES TO THE
3 CHILD AND THE CHILD'S FAMILY IN THE CHILD'S HOME PRIOR TO THE
4 CHILD'S DEATH OR NEAR FATALITY.

5 (4) A DESCRIPTION OF SERVICES PROVIDED UNDER PARAGRAPH
6 (3).

7 * * *

8 Section ~~4~~ 8. This act shall take effect ~~January 1, 2014~~ <--
9 DECEMBER 31, 2014. <--