

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 159 Session of 2021

INTRODUCED BY POLINCHOCK, CIRESI, JAMES, MOUL, NEILSON, RYAN, SAINATO, STAATS, STEPHENS, STRUZZI AND DELOZIER, JANUARY 14, 2021

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 27, 2021

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, for reporting procedure, for
4 disposition of complaints received, for responsibility for
5 investigation, for access to information in Statewide
6 database, for information in Statewide database and for
7 release of information in confidential reports.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 6303(a) of Title 23 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:
12 § 6303. Definitions.

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

16 * * *

17 "Concerns a military family." In a report:

18 (1) an alleged perpetrator of abuse is a service member,
19 spouse of a service member or child of a service member; or

1 (2) an alleged victim of abuse is a child of a service
2 member.

3 * * *

4 "Family Advocacy Program." The program established by the
5 United States Department of Defense to address child abuse and
6 neglect, problematic sexual behavior in children and youth and
7 domestic abuse in military families.

8 * * *

9 "Service member." A person serving in the armed forces of
10 the United States or reserve component of the armed forces of
11 the United States or the Pennsylvania National Guard.

12 * * *

13 Section 2. Section 6313(b) of Title 23 is amended by adding
14 a paragraph to read:

15 § 6313. Reporting procedure.

16 * * *

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

20 * * *

21 (5.1) Whether the report concerns a military family and,
22 if so, any necessary explanatory information.

23 * * *

24 Section 3. Sections 6334(a) and (b), 6334.1(4) and 6335(a)
25 of Title 23 are amended to read:

26 § 6334. Disposition of complaints received.

27 (a) Receipt of reports by county agencies and law
28 enforcement.--After ensuring the immediate safety of the child
29 and any other child in the child's home, a county agency or law
30 enforcement official that receives a report of suspected child

1 abuse shall immediately notify the department of the report. If
2 the report is an oral report by telephone, the county agency or
3 law enforcement official shall attempt to collect as much of the
4 information listed in section [6313(c)] 6313(b) (relating to
5 reporting procedure) as possible and shall submit the
6 information to the department within 48 hours through a report
7 in writing or by electronic technologies.

8 (b) Receipt of reports by department and referral to county
9 agency; notification of Family Advocacy Program

10 representative.--The department shall immediately transmit an
11 oral notice or a notice by electronic technologies to the county
12 agency of the county where the suspected child abuse is alleged
13 to have occurred. If the report concerns a military family, the
14 department shall also notify the Family Advocacy Program
15 representative for the Commonwealth and the designated Family
16 Advocacy Program representative of the assigned military
17 installation. The notice shall contain the following
18 information:

19 (1) That a report of suspected child abuse by a
20 perpetrator has been received.

21 (2) The substance of the report.

22 (3) The existence in the Statewide database of a prior
23 report or a current investigation or assessment concerning a
24 subject of the report.

25 * * *

26 § 6334.1. Responsibility for investigation.

27 The department shall establish procedures regarding the
28 following different responses to address suspected child abuse
29 and protective services depending on the person's allegedly
30 committing the suspected child abuse or causing a child to be in

1 need of protective services:

2 * * *

3 (4) If a child is alleged to be in need of other
4 protective services, the appropriate county agency, in
5 coordination with the appropriate Family Advocacy Program
6 representative, if applicable, shall assess the needs of the
7 child as provided in this chapter.

8 § 6335. Access to information in Statewide database.

9 (a) Request for information.--A county agency, Family
10 Advocacy Program representative or law enforcement official
11 shall use the Statewide toll-free telephone number, or any
12 manner prescribed by the department, to determine the existence
13 of any prior reports involving a subject of the report. If the
14 Statewide database contains information related to a report or a
15 pending investigation or assessment concerning a subject of the
16 report, the department shall immediately convey this information
17 to the county agency, Family Advocacy Program representative or
18 law enforcement official.

19 * * *

20 Section 4. Sections 6336(a) and 6340(a) of Title 23 are
21 amended by adding paragraphs to read:

22 § 6336. Information in Statewide database.

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

25 * * *

26 (6.1) Whether the report concerns a military family and,
27 if so, any necessary explanatory information.

28 * * *

29 § 6340. Release of information in confidential reports.

30 (a) General rule.--Reports specified in section 6339

1 (relating to confidentiality of reports) shall only be made
2 available to:

3 * * *

4 (19) If the report concerns a military family, the
5 Family Advocacy Program representative for the Commonwealth
6 or to the designated Family Advocacy Program representative
7 for the assigned military installation.

8 * * *

9 Section 5. This act shall take effect ~~December 31, 2021~~ IN <--
10 ONE YEAR.