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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1026 Session of  
2018

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INTRODUCED BY BOSCOLA, BAKER, COSTA, FONTANA, SCHWANK, BROWNE,  
ARGALL, BARTOLOTTA, McGARRIGLE, RAFFERTY, RESCHENTHALER,  
STEFANO, VULAKOVICH, WAGNER, WARD, BREWSTER, YUDICHAK AND  
HUGHES, FEBRUARY 27, 2018

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REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 27, 2018

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child protective services, further  
3 providing for mandatory reporting of children under one year  
4 of age.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 6386 of Title 23 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 6386. Mandatory reporting of children under one year of age.

10 (a) When report to be made to county agency.--A health care  
11 provider shall immediately make a report or cause a report to be  
12 made to the appropriate county agency if the provider is  
13 involved in the delivery or care of a child under one year of  
14 age who is born and identified as being affected by any of the  
15 following:

16 (1) Illegal substance abuse by the child's mother.

17 (2) Withdrawal symptoms resulting from prenatal drug

1 exposure unless the child's mother, during the pregnancy,  
2 was:

3 (i) under the care of a prescribing medical  
4 professional; and

5 (ii) in compliance with the directions for the  
6 administration of a prescription drug as directed by the  
7 prescribing medical professional.

8 (3) A Fetal Alcohol Spectrum Disorder.

9 (a.1) When report to be made to department.--A health care  
10 provider shall immediately make a report or cause a report to be  
11 made to the department if the provider is involved in the  
12 delivery or care of a child under one year of age who is born  
13 and identified as being affected by any of the following:

14 (1) Illegal opioid abuse by the child's mother.

15 (2) Withdrawal symptoms resulting from prenatal drug  
16 exposure to an opioid unless the child's mother, during the  
17 pregnancy, was:

18 (i) under the care of a prescribing medical  
19 professional; and

20 (ii) in compliance with the directions for the  
21 administration of a prescription opioid drug as directed  
22 by the prescribing medical professional.

23 (b) Safety or risk assessment.--[The] For a child reported  
24 under subsection (a), the county agency shall perform a safety  
25 assessment or risk assessment, or both, for the child and  
26 determine whether child protective services or general  
27 protective services are warranted.

28 (c) County agency duties.--Upon receipt of a report under  
29 [this section] subsection (a), the county agency for the county  
30 where the child resides shall:

1 (1) Immediately ensure the safety of the child and see  
2 the child immediately if emergency protective custody is  
3 required or has been or shall be taken or if it cannot be  
4 determined from the report whether emergency protective  
5 custody is needed.

6 (2) Physically see the child within 48 hours of receipt  
7 of the report.

8 (3) Contact the parents of the child within 24 hours of  
9 receipt of the report.

10 (4) Provide or arrange reasonable services to ensure the  
11 child is provided with proper parental care, control and  
12 supervision.

13 (d) Department duties.--Upon receipt of a report under  
14 subsection (a.1), the department shall:

15 (1) Compile the information from the report with  
16 information received from such other reports received by the  
17 department during the same calendar quarter and publish the  
18 information from the reports as soon as possible on the  
19 department's publicly accessible Internet website where the  
20 information shall be segregated and searchable by county.

21 (2) Compile the information from the report with  
22 information received from such other reports received by the  
23 department during the same calendar year and submit the  
24 information to the General Assembly not later than January 31  
25 of the following calendar year. The information shall be  
26 segregated by county and may include such other statistical  
27 analysis as deemed appropriate by the department in order to  
28 best represent frequencies and trends across this  
29 Commonwealth.

30 (e) Confidentiality.--Identifying information relating to a

1 child in a report under subsection (a.1) shall be confidential  
2 and shall not be subject to disclosure under the act of February  
3 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

4 (f) Definition.--As used in this section, "department" means  
5 the Department of Health of the Commonwealth.

6 Section 2. This act shall take effect in 60 days.