PRINTER'S NO. 3872

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2766 Session of 2026

INTRODUCED BY HANBIDGE, DELOZIER, HILL-EVANS, WEBSTER, SHUSTERMAN, GUZMAN, RIVERA, INGLIS, HOWARD, NEILSON, D. WILLIAMS, McNEILL, SANCHEZ AND BOYD, SEPTEMBER 8, 2026

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 14, 2026

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for exclusions from child abuse, for electronic reporting, for persons encouraged to report suspected child abuse, for reporting procedure, for mandatory reporting and postmortem investigation of deaths, for establishment of Statewide database, for disposition of complaints received, for access to information in Statewide database and for information in Statewide database, providing for child abuse registry, further providing for disposition and expunction of unfounded reports and general protective services reports, for disposition of founded and indicated reports, for expunction of information of perpetrator who was under 18 years of age when child abuse was committed, for confidentiality of reports, for release of information in confidential reports, for exchange of information, for amendment or expunction of information, for studies of data in records, for investigating performance of county agency, for employees having contact with children and adoptive and foster parents and for information relating to certified or licensed child-care home residents, providing for child-care centers, group child-care homes and family child-care homes, further providing for volunteers having contact with children, for continued employment or participation in program, activity or service, for recertification, for reports to Governor and General Assembly, for penalties, for reports to department and coroner, for investigation of reports and for voluntary or court-ordered services and findings of child abuse; and making editorial changes.

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

Section 1. The definitions of "child-care services," "expunge," "perpetrator" and "person responsible for the child's welfare" in section 6303(a) and (b.1)(8)(vi) and (10) of Title 23 of the Pennsylvania Consolidated Statutes are amended and subsection (a) is amended by adding definitions to read:

§ 6303. Definitions.

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

* * *

"Child abuse registry." The Commonwealth's Statewide registry of persons named as substantiated perpetrators of child abuse.

"Child-care services." Includes any of the following:

(1) [Child day-care] Child-care centers.

(2) Group [day-care] child-care homes.

(3) Family child-care homes.

(4) Foster homes.

(5) Adoptive parents.

(6) Boarding homes for children.

(7) Juvenile detention center services or programs for delinquent or dependent children.

(8) Mental health services for children.

(9) Services for children with intellectual disabilities.

(10) Early intervention services for children.

(11) Drug and alcohol services for children.

(12) [Day-care] Child-care services or programs that are offered by a school.

(13) Other child-care services that are provided by or

subject to approval, licensure, registration or certification by the department or a county social services agency or that are provided pursuant to a contract with the department or a county social services agency.

The term does not apply to services provided by administrative or other support personnel unless the administrative or other support personnel have direct contact with children.

* * *

"Expunge." To strike out or obliterate entirely <u>from the child abuse registry</u> so that the expunged information may not be stored, identified or later recovered by any mechanical or electronic means or otherwise.

* * *

<u>"Human trafficking." As defined in 18 Pa.C.S. § 3001 (relating to definitions).</u>

* * *

"Perpetrator." A person who has committed child abuse as defined in this section. The following shall apply:

(1) The term includes only the following:

(i) A parent of the child.

(ii) A spouse or former spouse of the child's parent.

(iii) A paramour or former paramour of the child's parent.

(iv) A person 14 years of age or older and responsible for the child's welfare or having direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(v) An individual 14 years of age or older who

resides in the same home as the child.

(vi) An individual [18] 14 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

(vii) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

(2) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(i) A parent of the child.

(ii) A spouse or former spouse of the child's parent.

(iii) A paramour or former paramour of the child's parent.

(iv) A person 18 years of age or older and responsible for the child's welfare.

(v) A person 18 years of age or older who resides in the same home as the child.

* * *

"Person responsible for the child's welfare." A person who provides, or previously provided, permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

* * *

"Reasonable force." The incidental, minor or reasonable physical contact with a child that is designed to maintain order

and control and is necessary to meet one of the following:

(1) To quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property.

(2) To prevent the child from self-inflicted physical harm.

(3) For self-defense or the defense of another individual.

(4) To obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.

* * *

(b.1) Child abuse.--The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

* * *

(8) Engaging in any of the following recent acts:

* * *

(vi) [Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.] Permitting a child to be present at a location where a controlled substance is being manufactured in violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, provided that a violation is or was investigated by law enforcement.

* * *

(10) Engaging a child in [a severe form of trafficking

in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102)] human trafficking.

* * *

Section 2. Sections 6304(c), 6305(b), 6312, 6313(a) and (b) introductory paragraph, 6317, 6331 heading, introductory paragraph, (2), (4) and (8), 6332(a), 6333 and 6334 heading, (b)(3), (c) introductory paragraph and (3), (g), (h), (i) introductory paragraph, (j) and (k) of Title 23 are amended to read:

§ 6304. Exclusions from child abuse.

* * *

(c) Use of force for supervision, control and safety purposes.--Subject to subsection (d), the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse. [if any of the following conditions apply:

(1) The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control.

(2) The use of reasonable force is necessary:

(i) to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;

(ii) to prevent the child from self-inflicted physical harm;

(iii) for self-defense or the defense of another individual; or

(iv) to obtain possession of weapons or other

dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.]

* * *

§ 6305. Electronic reporting.

* * *

(b) Confirmation of reports.--A confirmation by the department of the receipt of a report of suspected child abuse submitted electronically shall relieve the person making the report of making an oral or additional [oral or] written report of suspected child abuse, subject to section 6313 (relating to reporting procedure).

* * *

§ 6312. Persons encouraged to report suspected child abuse.

Any person may make an oral or written report of suspected child abuse[, which may be submitted electronically,] or cause a report of suspected child abuse to be made to the department, county agency or law enforcement, if that person has reasonable cause to suspect that a child is a victim of child abuse.

§ 6313. Reporting procedure.

(a) Report by mandated reporter.--

(1) A mandated reporter shall immediately make an oral report of suspected child abuse to the department via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) or [a written] electronically submit a report [using electronic technologies] under section 6305 (relating to electronic reporting).

(2) A mandated reporter making an oral report under paragraph (1) of suspected child abuse shall also make a

written report, which [may be submitted electronically] shall be mailed or faxed, within 48 hours to the department or county agency assigned to the case in a manner and format prescribed by the department.

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

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

* * *

§ 6317. Mandatory reporting and postmortem investigation of deaths.

(a) Mandatory reporting.--A person or official required to report cases of suspected child abuse, including employees of a county agency, who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner or medical examiner. The coroner or medical examiner shall accept the report for investigation and shall report his finding to the police, the district attorney, the appropriate county agency and, if the report is made by a hospital, the hospital.

(b) Other information.--The coroner or medical examiner shall provide the appropriate county agency with information, as requested by the county agency, relating to the report under subsection (a) that may assist the county agency in the investigation.

§ 6331. Establishment of Statewide database and case management system.

There shall be established in the department a Statewide database [of] and case management system for protective services, which shall include, at a minimum, the following[, as provided by section 6336 (relating to information in Statewide database)]:

* * *

(2) Reports with a status of pending juvenile court or pending criminal court action or pending criminal investigation action.

* * *

(4) Unfounded reports of child abuse [awaiting expunction].

* * *

(8) Reports alleging the need for general protective services that either have been determined invalid [and are awaiting expunction] or not in need of assessment.

* * *

§ 6332. Establishment of Statewide toll-free telephone number.

(a) General rule.--The department shall establish a single Statewide toll-free telephone number that all persons, whether mandated by law or not, may use to report cases of suspected child abuse or children allegedly in need of general protective services. A county agency or law enforcement official shall use the Statewide toll-free telephone number or electronic technologies for determining the existence of reports of child abuse or general protective services reports in the Statewide database and case management system or reports under investigation.

* * *

§ 6333. Continuous availability of department.

The department shall be capable of receiving oral reports of child abuse, reports of children in need of general protective services, reports made by electronic technologies pursuant to this chapter and report summaries from county agencies. The department shall be capable of immediately identifying prior reports in the Statewide database and case management system and reports under investigation with a pending status and of monitoring the provision of child protective services 24 hours a day, seven days a week.

§ 6334. Disposition of [complaints] reports received.

* * *

(b) Receipt of reports by department and referral to county agency.--The department shall immediately transmit an oral notice or a notice by electronic technologies to the county agency of the county where the suspected child abuse is alleged to have occurred. The notice shall contain the following information:

* * *

(3) The existence in the Statewide database and case management system of a prior report or a current investigation or assessment concerning a subject of the report.

(c) Receipt of reports by department and referral to law enforcement.--If the department receives a report of suspected child abuse that also alleges that a criminal offense has been committed against the child, the department shall immediately transmit an oral notice or notice by electronic technologies to the appropriate law enforcement official in the county where the

suspected child abuse is alleged to have occurred. The notice shall contain the following information, consistent with section 6340(a)(9) and (10) (relating to release of confidential information [in confidential] and reports):

* * *

(3) The existence in the Statewide database and case management system under section 6331 (relating to establishment of Statewide database and case management system) of a prior report or a current investigation or assessment concerning a subject of the report.

* * *

(g) Recording of pending reports.--Upon receipt of a report of suspected child abuse, the department shall maintain a record of the [complaint] report of suspected child abuse in the Statewide database and case management system. Upon receipt of a report under section 6353.2 (relating to responsibilities of county agency), the department shall maintain a record of the report in the Statewide database and case management system under section 6331.

(h) Child abuse in another [state] jurisdiction where the victim child and the alleged perpetrator are residents of the Commonwealth.--A report of suspected child abuse by a resident perpetrator occurring in another [state] jurisdiction shall be referred by the department to the county agency where the child resides in this Commonwealth and shall be investigated by the county agency as any other report of suspected child abuse by a perpetrator if the other [state's] jurisdiction's child protective services agency cannot or will not investigate the report.

(i) Child abuse in another [state] jurisdiction where only

the alleged perpetrator is a resident of this Commonwealth.--If suspected child abuse occurs in a jurisdiction other than this Commonwealth and only the alleged perpetrator is a resident of this Commonwealth, the report of suspected child abuse shall be referred to the county agency where the alleged perpetrator resides. The county agency shall do all of the following:

* * *

(j) Child abuse in another [state] jurisdiction where only the victim child is a resident of this Commonwealth.--A report of suspected child abuse occurring in another [state] jurisdiction where only the victim child resides in this Commonwealth and where the other [state's] jurisdiction's child protective services agency cannot or will not investigate the report shall be assigned as a general protective services report to the county agency where the child resides.

(k) Copies of report.--A copy of a report of suspected child abuse under subsections (h), (i) and (j) shall be provided to the other [state's] jurisdiction's child protective services agency and, if appropriate, to law enforcement officials where the incident occurred.

* * *

Section 3. Section 6335 heading, (a), (c)(1) introductory paragraph, (2) introductory paragraph and (i), (3) introductory paragraph and (i) and (4) and (d) introductory paragraph, (1) and (2) of Title 23 are amended and subsection (c)(2) and (3) are amended by adding subparagraphs to read:

§ 6335. Access to information in Statewide database and case management system.

(a) Request for information.--A county agency or law enforcement official shall use the Statewide toll-free telephone

number, or any manner prescribed by the department, to determine the existence of any prior reports involving a subject of the report. If the Statewide database and case management system contains information related to a report or a pending investigation or assessment concerning a subject of the report, the department shall immediately convey this information to the county agency or law enforcement official.

* * *

(c) Use by county agency or law enforcement official.--A county agency or law enforcement official may only request the information under subsection (a) for the purposes of investigating reports of child abuse, assessing allegations that a child is in need of general protective services, providing protective services to a child or investigating a crime against a child criminal offense. The following shall apply where information is requested pursuant to this section:

(1) A law enforcement official may use information contained in the Statewide database and case management system for the purpose of investigating a criminal offense as follows:

* * *

(2) A county agency may use information contained in the Statewide database and case management system as follows:

(i) Information regarding [indicated or founded] substantiated child abuse reports may be used for any purpose authorized by this chapter.

(i.1) A report of suspected child abuse that has been determined by the county agency to be unfounded may be used for future safety assessments, the evaluation of the appropriate provision of services and research.

* * *

(3) The department may use information contained in the Statewide database and case management system as follows:

(i) Information regarding [indicated or founded] substantiated child abuse reports may be used for any purpose authorized by this chapter.

(i.1) A report of suspected child abuse that has been determined by either the county agency or the department to be unfounded may be used for future safety assessments, the evaluation of the appropriate provision of services and research.

* * *

(4) Information in the Statewide database and case management system and child abuse registry may not be used for any purpose not authorized by this chapter.

(d) Authorized releases for governmental functions.--No person, other than an employee or contracted staff of the department in the course of official duties in connection with the responsibilities of the department under this chapter, shall have access to any information in the Statewide database and case management system except as provided under this section and the following:

(1) Section 6334 (relating to disposition of [complaints] reports received).

(2) Section 6340 (relating to release of confidential information [in confidential] and reports).

* * *

Section 4. Section 6336 of Title 23 is amended to read:

§ 6336. Information in Statewide database and case management system.

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

(1) The names, Social Security numbers, age, race, ethnicity and sex of the subjects of the reports.

(2) The date or dates and the nature and extent of the alleged instances that created the need for protective services.

(3) The home addresses of the subjects of the report.

(4) The county in which the alleged incidents that created the need for protective services occurred.

(5) Family composition.

(6) The name and relationship to the child in question and of other persons named in the report.

(7) Factors contributing to the need for protective services.

(8) The source of the report.

(9) Services planned or provided.

(10) If the report alleges child abuse, whether the report was determined to be founded, indicated or unfounded.

(11) If the report alleged the child was in need of general protective services, whether the report was valid or invalid.

(12) If the report was accepted for services and the reasons for the acceptance.

(13) If the report was not accepted for services, the reason the report was not accepted and whether the family was referred to other community services.

(14) Information obtained by the department in relation to a perpetrator's or school employee's request to release, amend or expunge information retained by the department or

the county agency.

(15) The progress of any legal proceedings brought on the basis of the report of suspected child abuse.

(16) Whether a criminal investigation has been undertaken and the result of the investigation and of any criminal prosecution.

(17) In the case of an unfounded or invalid report, if it is later determined that the initial report was a false report, a notation to that effect regarding the status of the report.

(18) Unfounded reports of child abuse, limited to the information authorized under section 6337 (relating to disposition and expunction of unfounded reports and general protective services reports).

(19) Any additional information provided in section 6313(c) (relating to reporting procedure).

(20) Any additional demographic information that the department requires to comply with section 6342 (relating to studies of data in records).

(21) A family case record for each family accepted for investigation, assessment or services which shall be maintained consistent with regulatory requirements.

(22) With respect to cases that are not accepted for child abuse investigation or general protective services assessment or are referred to community services:

(i) The reason the report was not accepted.

(ii) Any information provided to the referral source or the family related to other services or option available to address the report.

(23) Any other information that is necessary to maintain

the names of persons convicted of a violation under 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse) or the names of persons who made a false report of the need for general protective services.

No information other than that permitted in this subsection shall be retained in the Statewide database.]

(a) Database and system.--The Statewide database and case management system shall consist of child welfare records, which shall include the following:

(1) General protective services.

(2) Child protective services.

(3) Case management functions.

(4) Referrals.

(b) Records.--The records under subsection (a) may include records in a form and manner as prescribed by the department, such as case level records, child abuse history certifications, financial management records, provider, staff and administration records and related appeals, as applicable.

Section 5. Title 23 is amended by adding a section to read:

§ 6336.1. Child abuse registry.

(a) Registry.--The department shall maintain a child abuse registry, which shall include only the following:

(1) The name, date of birth, address, Social Security number and related demographics of a perpetrator of substantiated child abuse.

(2) The following regarding the substantiated child abuse:

(i) The date or dates of the incidents.

(ii) The substantiated allegations.

(iii) The type of child abuse.

(3) The investigating agency of the substantiated child abuse.

(b) Information.--Information other than the information permitted in this section may not be retained in the child abuse registry.

Section 6. Sections 6337, 6338, 6338.1 heading, (a) introductory paragraph and (b), 6339, 6340 and 6340.1(c)(1) and (d)(1) of Title 23 are amended to read:

§ 6337. Disposition [and expunction] of unfounded reports and general protective services reports.

(a) General rule.--When a report of suspected child abuse is determined by the appropriate county agency to be an unfounded report, the information concerning that report of suspected child abuse shall be maintained [for a period of one year. Following the expiration of one year after the date the report was received by the department, the report shall be expunged from the Statewide database, as soon as possible, but no later than 120 days after the one-year period following the date the report was received by the department, and no information other than that authorized by subsection (b), which shall not include any identifying information on any subject of the report, shall be retained by the department. The expunction shall be mandated and guaranteed by the department.] in the Statewide database and case management system.

(b) Absence of other determination.--If an investigation of a report of suspected child abuse conducted by the appropriate county agency or the department pursuant to this chapter does not determine within 60 days of the date of the initial report of the instance of suspected child abuse that the report is a founded report, an indicated report or an unfounded report, or

unless within that same 60-day period court action, administrative proceedings or a criminal investigation has been initiated and is responsible for the delay, the report shall be considered to be an unfounded report[, and all information identifying the subjects of the report shall be expunged no later than 120 days following the expiration of one year after the date the report was received by the department]. The agency shall advise the department [that court action or an arrest has been initiated] regarding the actions, proceedings or investigations so that the Statewide database and case management system is kept current [regarding the status of all legal proceedings and expunction is delayed].

(c) [Unfounded reports accepted for services.--Information on an unfounded report shall be retained in the Statewide database if the county agency has accepted the family for services and the report of suspected child abuse is clearly identified as an unfounded report. The county agency shall notify the department immediately upon closure of the case, and the report shall be expunged as soon as possible, but no later than 120 days after the one-year period following the date the family case was closed. If the subject child of the unfounded report becomes 23 years of age prior to the closure of the family case, the unfounded report shall be expunged when the subject child reaches 23 years of age.] (Reserved).

(d) [Expunction of valid general protective services reports.--Information concerning valid general protective services reports shall be maintained in the Statewide database as follows:

(1) Reports that are assessed by the county agency and are determined to be valid, but are not accepted for

services, shall be reported to the department and entered into the Statewide database. The reports shall be maintained for a period of ten years or until the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first. Following the expiration of ten years after the date the report was received by the department or until the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first, the report shall be expunged from the Statewide database as soon as possible, but no later than 120 days after the ten-year period following the date the report was received by the department or the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first.

(2) Reports that are assessed by the county agency and accepted for services shall be reported to the department, except as otherwise provided in subsection (f)(2), and entered into the Statewide database. The reports shall be maintained for a period of ten years after the closure of services by the county agency or until the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first. Following the expiration of ten years after the closure of services by the county agency or until the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first, the report shall be expunged from the Statewide database as soon as possible, but no later than 120 days after the ten-year period following the closure of services by the county agency

or the youngest child identified in the most recent general protective services report attains 23 years of age, whichever occurs first.

(3) The expunction of information on general protective services under this subsection shall be mandated and guaranteed by the department.] (Reserved).

(e) [Expunction of invalid] Invalid general protective services reports.--When a report alleging the need for general protective services is determined by the appropriate county agency to be either an invalid report or not in need of assessment, the information concerning that report [shall be maintained for a period of one year. Following the expiration of one year after the date the report was received by the department, the report shall be expunged as soon as possible, but no later than 120 days after the one-year period following the date the report was received by the department. The expunction shall be mandated and guaranteed by the department.] may be maintained to assist in future safety assessments, the evaluation of the appropriate provision of services and research.

(f) [County agency records] Records.--Information concerning protective services reports shall be maintained [by a county agency] as follows:

(1) County agency records of protective services shall be used and maintained in a manner that is consistent with the use and maintenance of information in the Statewide database and case management system, as provided under this chapter[, except as otherwise provided in paragraph (2)]. If required under this chapter to amend [or expunge] information in the Statewide database and case management system, the

department shall notify the appropriate county agency of the amendment [or expungement] within ten days. The county agency shall amend [or expunge] its records in a commensurate manner within ten days of receiving notification from the department.

(2) [A county agency] The Statewide database and case management system may maintain information regarding protective services reports that have been expunged in the [Statewide database] child abuse registry for access by the county agency and the department to assist in future risk and safety assessments and research.

§ 6338. Disposition of founded and indicated reports.

(a) General rule.--When a report of suspected child abuse is determined by the appropriate county agency to be a founded report or an indicated report, the status of the report shall be changed from pending to founded or indicated in the Statewide database and case management system, with the perpetrator being added to the child abuse registry. Notice of the determination that a report is a founded, indicated or unfounded report shall be made as provided in section 6368(f) (relating to investigation of reports).

(b) [Expunction of information when child attains 23 years of age.--Except as provided in subsection (c), all information which identifies the subjects of founded and indicated child abuse reports shall be expunged when the subject child reaches the age of 23. The expunction shall be mandated and guaranteed by the department.] (Reserved).

(c) Retention of information.--The Statewide database and case management system shall indefinitely retain the names of perpetrators of child abuse and school employees who are

subjects of founded or indicated reports only if the individual's Social Security number or date of birth is known to the department. [The entry in the Statewide database shall not include identifying information regarding other subjects of the report.]

§ 6338.1. Expunction and amendment of information of perpetrator who was under 18 years of age when child abuse was committed.

(a) General rule.--[The name of a] A perpetrator who is the subject of an indicated report of child abuse and who was under 18 years of age when the individual committed child abuse shall be expunged from the [Statewide database when] child abuse registry and not be considered an indicated perpetrator after the individual reaches 21 years of age or [when] after five years have elapsed since [the perpetrator's name was added to the database] the individual was determined to be a perpetrator of substantiated child abuse, whichever is later, if the individual meets all of the following at the time of the department's review:

* * *

(b) Mandated [expunction] change of status.--If the perpetrator meets all of the requirements under subsection (a), [the expunction shall be mandated and guaranteed by] the department[.] shall expunge the perpetrator from the child abuse registry, guarantee the report is changed to unfounded, and maintain the unfounded report in accordance with section 6335(c) (relating to access to information in Statewide database and case management system).

* * *

§ 6339. Confidentiality of [reports] child abuse registry and

case management system.

Except as otherwise provided in this [subchapter] chapter or by the Pennsylvania Rules of Juvenile Court Procedure, [reports made] information obtained or maintained pursuant to this chapter, including, but not limited to, report summaries of child abuse and reports made pursuant to section 6313 (relating to reporting procedure) as well as any other information obtained, reports written or photographs or X-rays taken concerning alleged instances of child abuse [in the possession of the department or a county agency] shall be confidential.

§ 6340. Release of confidential information [in confidential] and reports.

(a) General rule.--[Reports specified in section 6339 (relating to confidentiality of reports)] Release of information and reports shall only be made available [to] as follows:

(1) A report or information under this chapter may be released to the following:

(i) An authorized official of a county agency[, of] or a Federal agency that has a need for such information to carry out its responsibilities under law to protect children from abuse and neglect [or of an]. If a case has transferred to another county, the report or information shall be provided within seven days of the request from the receiving county agency.

(ii) An agency of another state that performs protective services analogous to those services performed by county agencies or the department in the course of the official's duties[, multidisciplinary]. If a case has transferred to another state, the report or information shall be provided within seven days of the request from

the receiving state.

(iii) Multidisciplinary team members assigned to the case [and].

(1.1) Substantiated reports of child abuse, general protective services reports determined to be valid and case level information may be released to duly authorized persons providing services pursuant to section 6370(a) (relating to voluntary or court-ordered services; findings of child abuse) to the extent needed in the performance of their official duties.

(2) [A physician examining or treating a child or the director or a person specifically designated in writing by the director of any hospital or other medical institution where a child is being treated when the physician or the director or the designee of the director suspects the child of being an abused child or a child alleged to be in need of protection under this chapter.] (Reserved).

(3) [A] The following information may be released to a guardian ad litem or court designated advocate for the child[.]:

(i) Substantiated child abuse reports.

(ii) Relevant records and reports as prescribed under 42 Pa.C.S. § 6311(b)(2) (relating to guardian ad litem for child in court proceedings).

(4) [An] A report or information under this chapter may be released to an authorized official or agent of the department in [accordance with department regulations] the course of their official duties or in accordance with the conduct of a performance audit as authorized by section 6343 (relating to investigating performance of county agency).

(5) [A] Substantiated child abuse reports, general protective services reports determined to be valid, and law enforcement referrals may be released to a court of competent jurisdiction, including a magisterial district judge, a judge of the Philadelphia Municipal Court and a judge of the Pittsburgh Magistrates Court, pursuant to court order or subpoena in a criminal matter involving a charge of child abuse under section 6303(b) (relating to definitions). Disclosure through testimony shall be subject to the restrictions of subsection (c).

(5.1) [A] Substantiated child abuse reports and general protective services reports determined to be valid may be released to a court of common pleas in connection with:

(i) any matter involving custody of a child as set forth in sections 5328 (relating to factors to consider when awarding custody) and 5329.1 (relating to consideration of child abuse and involvement with protective services);

(ii) adoption as set forth in section 2735 (relating to filing and approval of an agreement); or

(iii) temporary guardianship of a child under Chapter 56 (relating to standby and temporary guardianship).

(6) [A] An annual report of aggregate information shall be provided to the standing committee of the General Assembly, as specified in section 6384 (relating to legislative oversight).

(7) [The] A report or information under this chapter relevant to the performance of its official duties may be released to the Attorney General.

(8) [Federal] A report or information under this chapter that is within the scope of its audit shall be released to Federal auditors if required for Federal financial participation in funding of agencies [except that Federal auditors may not remove identifiable reports or copies thereof from the department or county agencies] or in accordance with Federal law.

(9) [Law] A report or information under this chapter may be released to law enforcement officials of any jurisdiction, as long as the information is relevant in the course of investigating cases of:

(i) Homicide or other criminal offense set forth in section 6344(c) (relating to employees having contact with children; [adoptive and foster parents] resource families), sexual abuse or exploitation, bodily injury or serious bodily injury caused by a perpetrator or nonperpetrator.

(ii) Child abuse other than that identified under subparagraph (i) by a nonperpetrator.

(iii) Repeated physical injury to a child under circumstances which indicate that the child's health, safety or welfare is harmed or threatened.

(iv) A missing child report.

(v) Severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

(vi) False reports as set forth in 18 Pa.C.S. §§ 4906 (relating to false reports to law enforcement authorities) and 4906.1 (relating to false reports of

child abuse).

(10) The district attorney's office or other law enforcement official, as set forth in county protocols for multidisciplinary investigative teams required in section 6365(c) (relating to services for prevention, investigation and treatment of child abuse), shall receive, immediately after the county agency has ensured the safety of the child, reports of abuse according to regulations, from the department or county agency in which the initial report of suspected child abuse or initial inquiry into the report gives evidence that the abuse is:

(i) a criminal offense set forth under section 6344.3 (relating to grounds for denying employment or participation in program, activity or service), not including an offense under 18 Pa.C.S. § 4304 (relating to endangering welfare of children) or an equivalent crime under Federal law or law of another state; or

(ii) child abuse under section 6334.1 (relating to responsibility for investigation).

(11) [Designated] Information relevant to its internal review may be released to designated county officials, in reviewing the competence and performance of the county agency or its employees pursuant to this chapter. Officials under this paragraph may not otherwise release confidential information and are limited to the following:

(i) The board of commissioners in counties other than counties of the first class.

(ii) Mayor in a city of the first class under the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act.

(iii) An individual serving as a county chief executive as designated by a county home rule charter or optional plan form of government pursuant to the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law.

(12) A mandated reporter of suspected child abuse under section 6311 (relating to persons required to report suspected child abuse) who made a report of abuse involving the subject child [shall be limited to] may only receive the following:

(i) Whether the child abuse report is indicated, founded or unfounded.

(ii) Any services provided, arranged for or to be provided by the county agency to protect the child.

(13) School administrators and child-care service employers[,] may only receive information as provided under this paragraph. The following shall apply:

(i) If the alleged perpetrator is a school employee or child-care service employee, school administrators and child-care service employers shall receive notice of a pending allegation, notice of a pending investigation and the final status of the report following the investigation as to whether the report is indicated, founded or unfounded.

(ii) [Information disclosed pursuant to this paragraph] The notice of the final status of the report shall be provided to the school administrator or child-care service employer within ten days of the [completion of the investigation] department's finalization of the outcome of the investigation.

(iii) If the perpetrator is a school employee, the notice of the final status of the report shall be sent to the Department of Education within ten days of the [completion of the investigation] department's finalization of the outcome of the investigation.

(14) [A prospective adoptive parent, approved by an adoption agency, when considering adopting an abused child in the custody of a county agency.] The county agency having custody of the child and the adoption agency shall determine the scope and detail of information which must be provided to a prospective adoptive parent, who is approved by an adoption agency, when considering adopting a child in the custody of a county agency. The county agency having custody of the child and the adoption agency shall provide necessary information so that the prospective parent:

(i) is informed of a child's educational needs, medical and behavioral health, treatment and active diagnoses; and

(ii) may make an informed decision to adopt.

(15) [Appropriate officials of another county or state regarding an investigation related to child abuse or protective services when a family has moved to that county or state. Reports under this paragraph shall include general protective service reports and related information. Reports and information under this paragraph shall be provided within seven calendar days. The department shall promulgate regulations as necessary to carry out the purposes of this paragraph.] (Reserved).

(16) [Members] A report or information under this chapter may be released, in the course of their official

duties, to members of citizen review panels convened pursuant to section 6343.1 (relating to citizen review panels), provided that such members shall not disclose to any person or government official any identifying information about any specific child protective services case with respect to which the panel is provided information.

(17) [A] A report or information under this chapter relevant to the performance of its official duties may be released to a member of a child fatality or near fatality review team during its review under section 6365(d).

(18) [The] A report or information under this chapter relevant to the performance of its official duties may be released to the Department of the Auditor General [in conjunction with the performances of the duties designated to the Office of Auditor General], except that the Auditor General may not remove or retain identifiable reports or copies thereof from the department or county agency. Nothing in this paragraph shall be construed to prohibit the use of a unique identifier to assist the Department of the Auditor General with the performance of its official duties.

(19) A substantiated report of child abuse or provider information, including dates and types of services provided, may be released to the Office of State Inspector General in conjunction with an investigation and a report involving the department or county under section 503-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. The following apply:

(i) Reports or provider information provided under this paragraph shall not include information prohibited from disclosure under Federal law or the identity of a

subject child or a subject child's family member or guardian.

(ii) Nothing in this paragraph shall be construed to prohibit the use of a unique identifier to assist with an investigation and a report involving the department under section 503-A of The Administrative Code of 1929.

(b) Release of information to subject.--Upon a written request, a subject of a report may receive a copy of [all information, except that prohibited from being disclosed by subsection (c), contained in the Statewide database or in any report filed pursuant to section 6313 (relating to reporting procedure).] any report of suspected child abuse and the corresponding outcome of the investigation, subject to subsection (c).

(c) Protecting identity.--Except for reports under subsection (a)(9) and (10) and in response to a law enforcement official investigating allegations of false reports under 18 Pa.C.S. § 4906.1 [(relating to false reports of child abuse)], the release of data or information by the department, county, institution, school, facility or agency or designated agent of the person in charge that would identify the person who made a report of suspected child abuse or who cooperated in a subsequent investigation is prohibited. Law enforcement officials shall treat all reporting sources as confidential informants.

(d) Exclusion of information.--Except as provided under section 6341(c.2)(4) (relating to amendment or expunction of information), information maintained in the Statewide database and case management system obtained from an investigating agency in relation to an appeal request shall not be released to any

person except a department official. Information in the Statewide database and case management system or a confidential report provided under section 6341(c.2)(4) shall be subject to subsection (c).

§ 6340.1. Exchange of information.

* * *

(c) Request by certified medical practitioner.--If requested by the child's primary care physician or a certified medical practitioner who is providing medical care to the child, the county agency, in order to ensure the proper medical care of the child, shall provide the following information as it pertains to circumstances which negatively affect the medical health of the child:

(1) The final status of any assessment of general protective services or an investigation of child abuse, if the report of child abuse is [indicated or founded] substantiated.

* * *

(d) Notification by county agency.--In circumstances which negatively affect the medical health of a child, the county agency shall notify the certified medical practitioner who is the child's primary care provider, if known, of the following information:

(1) The final status of any assessment of general protective services or an investigation of child abuse, if the report of child abuse is [indicated or founded] substantiated.

* * *

Section 7. Section 6341(a) introductory paragraph, (1) introductory paragraph and (ii) and (2), (b), (c), (c.1), (c.2)

introductory paragraph and (4), (c.4), (e) and (f) of Title 23 are amended and subsection (c.2) is amended by adding a paragraph to read:

§ 6341. Amendment or expunction of information.

(a) General rule.--Notwithstanding section 6338.1 (relating to expunction and amendment of information of perpetrator who was under 18 years of age when child abuse was committed):

(1) At any time, the secretary may amend [or expunge] any record in the Statewide database and case management system or expunge the information of a perpetrator in the child abuse registry under this chapter upon good cause shown and notice to the appropriate subjects of the report. The request shall be in writing in a manner prescribed by the department. For purposes of this paragraph, good cause shall include, but is not limited to, the following:

* * *

(ii) A determination that the perpetrator in an indicated report of abuse no longer represents a risk of child abuse and that no significant public purpose would be served by the continued listing of the person as a perpetrator in the [Statewide database] child abuse registry.

(2) Any person named as a perpetrator, and any school employee named, in an indicated report of child abuse may, within 90 days of being notified of the status of the report, request an administrative review by, or appeal and request a hearing before, the secretary to amend [or expunge] an indicated report or expunge the information of a perpetrator in the child abuse registry on the grounds that it is inaccurate or it is being maintained in a manner inconsistent

with this chapter. The request shall be in writing in a manner prescribed by the department.

* * *

(b) Review of grant of request.--If the secretary grants the request under subsection (a)(2), [the Statewide database,] appropriate departmental officials, the appropriate county agency, appropriate law enforcement officials and all subjects shall be so advised of the decision. The county agency and any subject have 90 days in which to file an administrative appeal with the secretary. If an administrative appeal is received, the secretary or [his] the secretary's designated agent shall schedule a hearing pursuant to [Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, attending departmental regulations.] 1 Pa. Code Pt. II (relating to general rules of administrative practice and procedure). If no administrative appeal is received within the designated time period, the Statewide database and case management system and the child abuse registry shall [comply with] reflect the decision of the secretary and the department shall advise the county agency to amend [or expunge] the information in their records so that the records are consistent at both the State and local levels.

(c) Review of refusal of request.--Subject to subsection (c.1), if the secretary refuses a request under subsection (a)(1) or a request for administrative review under subsection (a)(2), or does not act within the prescribed time, the perpetrator or school employee shall have the right to appeal and request a hearing before the secretary to [amend or expunge an indicated report] expunge the name of the perpetrator or school employee from the child abuse registry on the grounds that [it] the

indicated report is inaccurate or it is being maintained in a manner inconsistent with this chapter. The request for hearing must be made within 90 days of notice of the decision. The appropriate county agency and appropriate law enforcement officials shall be given notice of the hearing. The burden of proof under subsection (a)(1) shall be on the perpetrator or school employee. The burden of proof in the hearing under subsection (a)(2) shall be on the appropriate county agency or the department, as applicable. The department shall assist the county agency as necessary.

(c.1) Founded reports.--

(1) A person named as a perpetrator in a founded report of child abuse [must provide to the department a court order indicating that the underlying adjudication that formed the basis of the founded report has been reversed or vacated.] based upon acceptance into an Accelerated Rehabilitative Disposition program has the right to request a hearing under subsection (c.2) within 90 days of being notified by the department.

(2) A founded report may be changed to an indicated report when the person provides any of the following to the department:

(i) A court order indicating that the underlying adjudication has been reversed or vacated.

(ii) Evidence of the successful completion of an Accelerated Rehabilitative Disposition program and removal of the related charge from the criminal report.

(c.2) Hearing.--A person making an appeal under subsection (a)(2) [or], (c) or (c.1)(1) shall have the right to a timely hearing to determine the merits of the appeal. A hearing shall

be scheduled according to the following procedures:

* * *

(4) The department or county agency shall provide a person making an appeal with evidence gathered during the child abuse investigation within its possession that is relevant to the child abuse determination, subject to sections 6339 (relating to confidentiality of [reports] child abuse registry and case management system) and 6340 (relating to release of confidential information [in confidential] and reports).

* * *

(6) A person is not entitled to another opportunity for a hearing under this subsection when a founded report is changed to an indicated report under subsection (c.1)(2)(ii).

* * *

(c.4) Notice of decision.--Notice of the decision shall be made to the Statewide database and case management system, the appropriate county agency, any appropriate law enforcement officials and all subjects of the report, except for the [abused] child who was abused.

* * *

(e) Order.--The secretary or designated agent may make any appropriate order respecting the amendment [or expunction] of such records to make them accurate or consistent with the requirements of this chapter.

(f) Notice of expunction or change of status.--Written notice of an expunction [of] from the child abuse registry or a perpetrator's change of status in any child abuse record made pursuant to the provisions of this chapter shall be served upon the subject of the record who was responsible for the abuse or

injury and the appropriate county agency. [Except as provided in this subsection, the county agency, upon receipt of the notice, shall take appropriate, similar action in regard to the local child abuse records and inform, for the same purpose, the appropriate coroner if that officer has received reports pursuant to section 6367 (relating to reports to department and coroner). Whenever the county agency investigation reveals, within 60 days of receipt of the report of suspected child abuse, that the report is unfounded but that the subjects need services provided or arranged by the county agency, the county agency shall retain those records and shall specifically identify that the report was an unfounded report of suspected child abuse. An unfounded report regarding subjects who receive services shall be expunged no later than 120 days following the expiration of one year after the termination or completion of services provided or arranged by the county agency.]

* * *

Section 8. Section 6342(a) of Title 23 is amended to read:

§ 6342. Studies of data in records.

(a) Studies.--The department may conduct or authorize the conducting of studies of the data contained in the Statewide database and case management system and by county agencies and distribute the results of the studies. No study may [contain the name or other information by which a subject of a report could be identified. The department may allow Federal auditors access to nonidentifiable duplicates of reports in the Statewide database if required for Federal financial participation in funding of agencies.] result in the sharing of information that allows the subject of a report to be identified.

* * *

Section 9. Section 6343(c) of Title 23 is amended by adding a paragraph to read:

§ 6343. Investigating performance of county agency.

* * *

(c) Department reviews and reports of child fatalities and near fatalities.--

* * *

(5) For the purposes of identifying and increasing child abuse prevention strategies, the department may exchange information and reports of child fatalities and near fatalities with the Department of Health and the Department of Drug and Alcohol Programs.

Section 10. Section 6344 heading, (a) introductory paragraph, (2) and (8), (a.2) introductory paragraph, (a.3) introductory paragraph, (b) introductory paragraph and (2), (b.1), (c), (d) heading, introductory paragraph, (1), (2), (4.1) and (5), (d.3)(1), (e), (f), (f.1), (g), (h.1), (j), (n), (o)(1) and (p)(1) of Title 23 are amended and subsection (d) is amended by adding a paragraph to read:

§ 6344. Employees having contact with children; [adoptive and foster parents] resource families.

(a) Applicability.--[Beginning December 31, 2014] Except as provided under section 6344.1a (relating to child-care centers, group child-care homes and family child-care homes), this section applies to the following individuals:

* * *

(2) A [foster parent] resource family.

* * *

(8) An individual 18 years of age or older who resides for at least 30 days in a calendar year in the following

homes which are subject to supervision or licensure by the department under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21), known as the [Public Welfare] Human Services Code:

(i) A family living home.

(ii) A community home for individuals with an intellectual disability.

(iii) A host home for children.

This paragraph does not include an individual with an intellectual disability or chronic psychiatric disability receiving services in a home.

* * *

(a.2) Minors.--[Unless applying for or holding a position in a child day-care center, group day-care home or family child-care home, an] An individual between 14 and 17 years of age who applies for or holds a paid position as an employee who is a person responsible for the child's welfare or a person with direct contact with children through a program, activity or service prior to the commencement of employment or under section 6344.4 (relating to recertification) shall be required to submit only the information under subsection (b)(1) and (2) to an employer, administrator, supervisor or other person responsible for employment decisions, if the following apply:

* * *

(a.3) Exchange visitor.--[Unless applying for or holding a position in a child day-care center, group day-care home or family child-care home, an] An individual in possession of a nonimmigrant visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J) (relating to definitions) to an exchange visitor, commonly referred to as a "J-1" Visa, shall not be required to submit

information under subsection (b) if all of the following apply:

* * *

(b) Information to be submitted.--An individual identified in subsection (a)(7) or (8) at the time the individual meets the description set forth in subsection (a)(7) or (8) and an individual identified in subsection (a)(1), (2), (3), [(4),] (5)(i) or (6), (a.1), (a.2) or (a.3) prior to the commencement of employment or service or in accordance with section 6344.4 shall be required to submit the following information to an employer, administrator, supervisor or other person responsible for employment decisions or involved in the selection of volunteers:

* * *

(2) A certification from the department as to whether the applicant is named [in the Statewide database] as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated report in the child abuse registry.

* * *

(b.1) Required documentation to be maintained and produced.--The employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity identified in subsection (a)(1), (2), (3), [(4),] (5)(i) or (6), (a.1) or (a.2) shall maintain a copy of the required information and require the individual to submit the required documents prior to employment or acceptance to serve in any such capacity or as required in section 6344.4, except as allowed under subsection (m).

* * *

(c) Grounds for denying employment or participation in program, activity or service.--

(1) In no case shall an employer, administrator, supervisor or other person responsible for employment decisions or involved in the selection of volunteers hire or approve an applicant where the department has verified that the applicant is named in the [Statewide database] child abuse registry as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

(2) (i) In no case shall an employer, administrator, supervisor or other person responsible for employment decisions or involved in the selection of volunteers hire or approve an applicant if the applicant's criminal history record information indicates the applicant has been convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses) or an equivalent crime under Federal law or the law of another state:

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2718 (relating to strangulation).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3011 (relating to trafficking in individuals).

Section 3012 (relating to involuntary servitude).

Section 3013 (relating to patronizing a victim of sexual servitude).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual

assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

The attempt, solicitation or conspiracy to commit any of the offenses set forth in this paragraph.

(ii) This paragraph shall not apply to a resource family.

(3) In no case shall an employer, administrator, supervisor or other person responsible for employment decisions hire or approve an applicant if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance,

Drug, Device and Cosmetic Act, or an equivalent crime under Federal law or the law of another state, committed within the five-year period immediately preceding verification under this section.

(4) [In addition to paragraphs (1), (2) and (3), in no case shall an employer, administrator, supervisor or other person responsible for employment decisions or involved in the selection of volunteers at a child day-care center, group day-care home or family child-care home hire or approve an applicant under any of the following circumstances:

(i) The applicant's criminal history record information indicates the applicant has been convicted of any of the following:

(A) One or more of the following offenses under Title 18 or an equivalent crime under Federal law or the law of another state:

A felony offense under section 2718 (relating to strangulation).

A felony offense under section 3301 (relating to arson and related offenses).

(B) An offense under 18 U.S.C. § 2261 (relating to interstate domestic violence) or 2262 (relating to interstate violation of protection order).

(ii) The applicant's name appears on the National Crime Information Center National Sex Offender Registry or on a state's sex offender registry.

(iii) The applicant's name appears on a Statewide database or its equivalent as a perpetrator of child abuse.] (Reserved).

* * *

(d) Prospective [adoptive or foster parents] resource family.--With regard to a prospective [adoptive or prospective foster parents] resource family, the following shall apply:

(1) In the course of causing an investigation to be made pursuant to section 2535(a) (relating to investigation), an agency or person designated by the court to conduct the investigation shall require prospective adoptive parents and any individual over the age of 18 years residing in the home to submit the information set forth in subsection (b) for review in accordance with this section. If a prospective adoptive parent, or any individual over 18 years of age residing in the home, has resided outside this Commonwealth at any time within the previous five-year period, the agency or person designated by the court shall require that person to submit a certification obtained within the previous one-year period from the [Statewide central] child abuse registry, or its equivalent in each state in which the person has resided within the previous five-year period, as to whether the person is named on a child abuse registry as a perpetrator of child abuse. If the certification shows that the person is named as a perpetrator of child abuse within the previous five-year period, the agency or person designated by the court shall forward the certification to the department for review. The agency or person designated by the court shall not approve the prospective adoptive parent if the department determines that the person is named as the equivalent of a perpetrator of a founded report of child abuse within the previous five-year period.

(2) In the course of approving a prospective [foster parent] resource family, a foster family care agency or

county agency shall require prospective [foster parents] resource families and any individual over the age of 18 years residing in the home to submit the information set forth in subsection (b) for review by the foster family care agency or county agency in accordance with this section. The following apply:

(i) If a prospective [foster parent] resource family, or any individual over 18 years of age residing in the home, has resided outside this Commonwealth at any time within the previous five-year period, the foster family care agency or county agency shall require that person to submit a certification obtained within the previous one-year period from the [Statewide central] child abuse registry, or its equivalent in each state in which the person has resided within the previous five-year period, as to whether the person is named on a child abuse registry as a perpetrator of child abuse. If the certification shows that the person is named as a perpetrator of child abuse within the previous five-year period, the foster family care agency or county agency shall forward the certification to the department for review. The foster family care agency or county agency shall not approve the prospective [foster parent] resource family if the department determines that [the] a person is named as the equivalent of a perpetrator of a founded report of child abuse within the previous five-year period.

(ii) In addition, the foster family care agency shall consider the following when assessing the ability of applicants for approval as foster parents:

[(i)] (A) The ability to provide care, nurturing and supervision to children.

[(ii)] (B) Mental and emotional well-being. If there is a question regarding the mental or emotional stability of a family member which might have a negative effect on a foster child, the foster family care agency shall require a psychological evaluation of that person before approving the foster family home.

[(iii)] (C) Supportive community ties with family, friends and neighbors.

[(iv)] (D) Existing family relationships, attitudes and expectations regarding the applicant's own children and parent/child relationships, especially as they might affect a foster child.

[(v)] (E) Ability of the applicant to accept a foster child's relationship with his own parents.

[(vi)] (F) The applicant's ability to care for children with special needs.

[(vii)] (G) Number and characteristics of foster children best suited to the foster family.

[(viii)] (H) Ability of the applicant to work in partnership with a foster family care agency. This subparagraph shall not be construed to preclude an applicant from advocating on the part of a child.

(2.1) A foster family care agency or county agency shall not approve the prospective resource family if the criminal history record information of a prospective resource family or individual over 18 years of age residing in the home indicates the person has been convicted of one or more of the

following offenses under Title 18 or an equivalent crime under Federal law or the law of another jurisdiction:

Chapter 25.

Section 2718.

Section 2901.

Section 3011.

Section 3012.

Section 3013.

Section 3121.

Section 3122.1.

Section 3123.

Section 3124.1.

Section 3125.

Section 3126.

Section 4302.

Section 4304.

Section 4305.

Section 6301.

Section 6312.

The attempt, solicitation or conspiracy to commit any of the offenses set forth in this paragraph.

(4.1) If a [foster parent, prospective adoptive parent] resource family or an individual over 18 years of age residing in the home is arrested for or convicted of an offense that would constitute grounds for denying approval under this chapter or is named as a perpetrator in a founded or indicated report, the [foster parent or prospective adoptive parent] resource family shall provide the foster family care agency, county agency or the agency listed to provide adoption services with written notice not later than

72 hours after the arrest, conviction or notification that the individual was named as a perpetrator [in the Statewide database] on the child abuse registry.

(5) [Foster parents and prospective adoptive parents] Resource families shall be required to report any other change in the family household composition within 30 days of the change for review by the foster family care agency, county agency or the agency listed to provide adoption services. If any individual over 18 years of age, who has resided outside this Commonwealth at any time within the previous five-year period, begins residing in the home of an approved [foster family or a prospective adoptive] resource family, that individual shall, within 30 days of beginning residence, submit to the foster family care agency, the county agency or the agency listed to provide adoption services a certification obtained from the [Statewide database] child abuse registry, or its equivalent in each state in which the person has resided within the previous five-year period, as to whether the person is named on a child abuse registry as a perpetrator. If the certification shows that the person is named as a perpetrator within the previous five-year period, the foster family care agency, county agency or the agency listed to provide adoption services shall forward the certification to the department for review. If the department determines that the person is named as the equivalent of a perpetrator of a founded report within the previous five-year period and the person does not cease residing in the home immediately, the county agency shall immediately seek court authorization to remove the foster child or children from the home. In emergency

situations when a judge cannot be reached, the county agency shall proceed in accordance with the Pennsylvania Rules of Juvenile Court Procedure.

* * *

(d.3) Family living homes, community homes for individuals with an intellectual disability and host homes.--

(1) The following shall apply to an individual over 18 years of age residing in a family living home, a community home for individuals with an intellectual disability or a host home for children, which are subject to supervision or licensure by the department under Articles IX and X of the [Public Welfare] Human Services Code:

(i) If an individual is arrested for or convicted of an offense that would constitute grounds for denying approval under this chapter, or is named as a perpetrator in a founded or indicated report, the individual shall provide the agency with written notice not later than 72 hours after the arrest, conviction or notification that the individual was named as a perpetrator [in the Statewide database] on the child abuse registry.

(ii) The adult family member who is providing services to a child in the home shall be required to report any other change in the household composition within 30 days of the change for review by the agency. If any individual over 18 years of age, who has resided outside this Commonwealth at any time within the previous five-year period, begins residing in the home, that individual shall, within 30 days of beginning residence, submit to the agency a certification obtained from the [Statewide database] child abuse registry, or its

equivalent in each state in which the individual has resided within the previous five-year period, as to whether the person is named as a perpetrator in a child abuse registry. If the certification shows that the person is named as a perpetrator within the previous five-year period, the agency shall forward the certification to the department for review.

* * *

(e) Self-employed family child-care providers.--Self-employed family child-care providers who apply for a license with the department shall submit with their licensure application the information set forth under [subsection (b) for review in accordance with this section] section 6344.1a.

(f) Submissions by operators of child-care services.--The department shall require persons seeking to operate child-care services to submit the information set forth in subsection (b) for review in accordance with this section or section 6344.1a, as applicable.

(f.1) [Additional information for child day-care centers, group day-care homes and family child-care homes.--

(1) In addition to the required information under subsection (b), employees and volunteers of a child day-care center, group day-care home or family child-care home shall submit the following in accordance with paragraph (2):

(i) The following certifications from an out-of-state database or its equivalent in each state in which the individual resided within the previous five-year period as to whether the individual:

(A) Is named in the database as a perpetrator of child abuse.

(B) Is named on the out-of-state criminal history repository with a conviction of an offense listed in subsection (c)(2) or (4).

(C) Is named on the State's sex offender registry.

(ii) Notification from the department stating whether the individual's name appears on the National Crime Information Center National Sex Offender Registry.

(2) An applicant for employment or a prospective volunteer at a child day-care center, group day-care home or family child-care home shall submit the information required under paragraph (1) prior to the commencement of employment or service. An employee or a volunteer at a child day-care center, group day-care home or family child-care home as of the date of enactment of this subsection shall submit the information required under paragraph (1) no later than the effective date of this subsection.] (Reserved).

(g) Regulations.--The department shall promulgate the regulations necessary to carry out this section and section 6344.1a. These regulations shall:

(1) Set forth criteria for unsuitability for employment [in a child-care service] or participation in relation to criminal history record information which may include criminal history record information in addition to that set forth above. The criteria shall be reasonably related to the prevention of child abuse.

(2) Set forth sanctions for [administrators] persons who willfully hire applicants in violation of this section, section 6344.1a or in violation of the regulations promulgated under this section.

(h.1) Form of payment.--Payment of [the fee authorized under subsection (h)] applicable fees under this chapter may be made by an individual or organization by check, money order, credit card or debit card.

* * *

(j) [Voluntary certification of child caretakers.--The department shall develop a procedure for the voluntary certification of child caretakers to allow persons to apply to the department for a certificate indicating the person has met the requirements of subsection (b). The department shall also provide for the biennial recertification of child caretakers.] (Reserved).

* * *

(n) Confidentiality.--The information provided and compiled under this section and section 6344.1a, including, but not limited to, the names, addresses and telephone numbers of applicants and foster and adoptive parents, shall be confidential and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. This information shall not be released except as permitted by the department through regulation.

(o) Use of information.--A foster family care agency may not approve a prospective foster parent if the prospective foster parent or an individual 18 years of age or older who resides for at least 30 days in a calendar year with the prospective foster parent meets either of the following:

(1) Is named in the [Statewide database] child abuse registry as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

* * *

(p) Use of information.--A prospective adoptive parent may not be approved if the prospective adoptive parent or an individual 18 years of age or older who resides for at least 30 days in a calendar year with the prospective adoptive parent meets either of the following:

(1) Is named in the [Statewide database] child abuse registry as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

* * *

Section 11. Section 6344.1(a), (b) and (c) of Title 23 are amended to read:

§ 6344.1. Information relating to certified or licensed child-care home residents.

(a) General rule.--In [addition to] accordance with the requirements of section [6344 (relating to employees having contact with children; adoptive and foster parents)] 6344.1a (relating to child-care centers, group child-care homes and family child-care homes), an individual who applies to the department for a certificate of compliance or a license to provide child [day] care in a residence shall include criminal history record and child abuse record information required under section [6344(b)] 6344.1a for every individual 18 years of age or older who resides in the home for at least 30 days in a calendar year.

(b) [Required information.--Child abuse record information required under subsection (a) shall include certification by the department as to whether the applicant is named in the Statewide database as the perpetrator of a founded report or an indicated

report.] (Reserved).

(c) Effect on certification or licensure.--The department shall refuse to issue or renew a certificate of compliance or license or shall revoke a certificate of compliance or license if the [day-care] child-care home provider or individual 18 years of age or older who has resided in the home for at least 30 days in a calendar year[:

(1) is named in the Statewide database as the perpetrator of a founded report committed within the immediately preceding five-year period; or

(2) has been convicted of an offense enumerated in section 6344(c).] is ineligible for employment or approval as provided under section 6344.1a.

* * *

Section 12. Title 23 is amended by adding a section to read:

§ 6344.1a. Child-care centers, group child-care homes and family child-care homes.

(a) Applicability.--The use of a consolidated eligibility determination under this section shall apply to the following:

(1) The following positions of a child-care center, a group child-care home or a family child-care home:

(i) An employee.

(ii) Contracted staff.

(iii) An operator.

(2) A self-employed family child-care home provider.

(3) An individual 18 years of age or older who resides for at least 30 days in a calendar year in a family child-care home or group child-care home located in a residence.

(b) Submissions.--Prior to the commencement of employment or residence under subsection (a), an applicant shall submit, with

applicable fees, the following:

(1) An application to the department for a consolidated eligibility determination.

(2) A full set of fingerprints to the Pennsylvania State Police for the purpose of a record check. The Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.

(3) An application for out-of-State certifications under subsection (c)(4), as applicable.

(c) Departmental review.--Subject to subsection (d), in preparing an individual's consolidated eligibility determination, the department shall review the following to determine whether the individual is ineligible for employment or approval under this section and section 6344(c)(relating to employees having contact with children; resource families):

(1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the applicant's report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that individual. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(2) A certification from the department as to whether the applicant is named in the Statewide database as the alleged perpetrator in a pending child abuse investigation or

as the perpetrator of a founded report or an indicated report.

(3) A report of Federal criminal history record information.

(4) Certifications from an out-of-State database or its equivalent in each state in which the individual resided within the previous five-year period as to whether the individual:

(i) Is named in the state's database as a perpetrator of child abuse.

(ii) Is named in the out-of-State criminal history repository with a conviction of an equivalent offense listed under subsection (e) and section 6344(c)(2) and (3).

(iii) Is named in the state's sex offender registry.

(5) Notification stating whether the individual's name appears in the National Crime Information Center National Sex Offender Registry.

(d) Out-of-State records.--The department shall use a good faith effort in requesting and obtaining certifications and records from an out-of-State entity.

(e) Prohibitions.--

(1) In addition to the grounds for prohibiting employment or participation under section 6344(c), an individual may not be employed or serve in a child-care center, a group child-care home or a family child-care home or reside in a family child-care home or group child-care home located in a residence, if:

(i) The individual's criminal history record information indicates the individual has been convicted

of any of the following:

(A) A felony offense under 18 Pa.C.S. § 3301 (relating to arson and related offenses) or an equivalent crime under Federal law or the law of another state.

(B) An offense under 18 U.S.C. § 2261 (relating to interstate domestic violence) or 2262 (relating to interstate violation of protection order).

(C) An offense under 45 CFR 98.43(c)(1)(iv) or (v) (relating to criminal background checks) or an equivalent crime under 18 Pa.C.S. (relating to crimes and offenses) or the laws of another state.

(ii) The individual's name appears on the National Crime Information Center National Sex Offender Registry or on a state's sex offender registry.

(iii) The individual's name appears on a Statewide database or its equivalent as a perpetrator of child abuse.

(2) If the information obtained pursuant to subsection (c) reveals that the individual is ineligible for employment or approval, the individual shall be immediately dismissed from employment or approval in child-care services.

(3) The prohibitions under this section apply to volunteers seeking or holding paid or unpaid positions under subsection (k).

(f) Consolidated eligibility determination.--After a review of the information under subsection (c), the department shall provide the results of an individual's consolidated eligibility determination to both the individual and the child-care center, the group child-care home or the family child-care home in which

the individual holds or is seeking employment, service or residence. The following apply:

(1) The department shall provide the results of an individual's consolidated eligibility determination to a child-care center, a group child-care home or a family child-care home without revealing any disqualifying crime or other related information regarding the individual.

(2) If an individual is ineligible for employment or approval, the department shall also provide the individual with information related to each disqualifying item.

(g) Receipt and maintenance of records.--

(1) An employer, administrator, supervisor or other person responsible for employment decisions or provider of a family child-care home:

(i) Shall receive from the department a consolidated eligibility determination indicating qualifying results prior to hiring, approval or residence of an applicant, except as provided under subsection (h).

(ii) Shall maintain in its records in a secure location the results of an individual's consolidated eligibility determination, except as allowed under subsection (h).

(2) An employer, administrator, supervisor, other person responsible for employment decisions or provider of a family child-care home who intentionally fails to meet the requirements under subsection (f) commits a misdemeanor of the third degree.

(h) Provisional employees.--Employers, administrators, supervisors or other persons responsible for employment decisions of a child-care center, a group child-care home or a

family child-care home may employ an applicant on a provisional basis for a single period not to exceed 45 days, if all of the following conditions are met:

(1) The applicant has submitted the information required under subsection (b) and the applicant provides a copy of the appropriate submission forms to the employer, administrator, supervisor or other person responsible for employment decisions.

(2) The employer, administrator, supervisor or other person responsible for employment decisions has no knowledge of information pertaining to the applicant which would disqualify him from employment pursuant to section 6344(c) and this section.

(3) The applicant swears or affirms in writing that the applicant is not disqualified from employment pursuant to section 6344(c), this section and has not been convicted of an offense similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation or under a former law of this Commonwealth.

(4) The employer, administrator, supervisor or other person responsible for employment decisions requires that the applicant not be permitted to work alone with children and that the applicant work in the immediate vicinity of a permanent employee.

(5) The applicant received qualifying results of the information required under subsection (c)(2) and (5) and either subsection (c)(1) or (3).

(h.1) Dismissal.--If the consolidated eligibility

determination under subsection (f) reveals that the applicant is ineligible from employment, the applicant in subsection (h) shall be immediately dismissed from employment or approval in child-care services by the employer, administrator, supervisor or other person responsible for employment decisions.

(i) Recertifications.--

(1) An individual who is required to obtain a consolidated eligibility determination under this section shall resubmit the submissions under subsection (b) and obtain a redetermination of the consolidated eligibility every 60 months.

(2) Any person with current certifications issued prior to the effective date of this section shall be required to obtain the consolidated eligibility determination required by this section within 60 months from the date of the person's oldest certification.

(j) Portability of determinations.--

(1) An individual may use a current consolidated eligibility determination to apply for employment and serve as an employee of a child-care center, group child-care home or family child-care home when all of the following are met:

(i) The individual's consolidated eligibility determination is current under subsection (f).

(ii) The individual does not have a lapse of employment from a child-care center, group child-care home or family child-care home longer than 180 days.

(iii) The individual completes an affirmation under paragraph (2).

(2) Prior to commencing employment, an individual must swear or affirm in writing that the individual has not been

disqualified from employment or service under section 6344(c) and this section or has not been convicted of an offense similar in nature to a crime listed in section 6344(c) and this section under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation or under a former law of this Commonwealth.

(3) An employer, administrator, supervisor or other person responsible for employment decisions shall maintain a copy of the individual's consolidated eligibility determination.

(k) Volunteers.--A volunteer intending to hold a paid or unpaid position with a child-care center, a group child-care home or a family child-care home shall submit the following to an employer, administrator, supervisor or other person responsible for employment decisions prior to holding a position:

(1) The required information under section 6344(b).

(2) Notification from the department stating whether the individual's name appears on the National Crime Information Center National Sex Offender Registry.

Section 13. Sections 6344.2(a), 6344.3(g), 6344.4(1) introductory paragraph, (i), (iii) and (iv) and (2), 6346(d), 6347(a) and (b), 6349, 6365(c) and 6367(b) of Title 23 are amended to read:

§ 6344.2. Volunteers having contact with children.

(a) Applicability.--[This] Except as provided under section 6344.1a (relating to child-care centers, group child-care homes and family child-care homes), this section applies to an adult

applying for or holding an unpaid position as a volunteer with a child-care service, a school or a program, activity or service, as a person responsible for the child's welfare or having direct volunteer contact with children and an individual identified under section 6344(a)(5)(ii) (relating to employees having contact with children; [adoptive and foster parents] resource families).

* * *

§ 6344.3. Continued employment or participation in program, activity or service.

* * *

(g) Written notice of new arrest, conviction or substantiated child abuse.--

(1) If an employee or volunteer subject to section 6344 (relating to employees having contact with children; [adoptive and foster parents] resource families), 6344.1a (relating to child-care centers, group child-care homes and family child-care homes) or 6344.2 (relating to volunteers having contact with children) is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service under this chapter, or is named as a perpetrator in a founded or indicated report, the employee or volunteer shall provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator [in the Statewide database] on the child abuse registry.

(2) If the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that an employee or volunteer was arrested

or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under this chapter, or was named as a perpetrator in a founded or indicated report, or the employee or volunteer has provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require the employee or volunteer to submit current information as required under [subsection] section 6344(b) or 6344.1a. The cost of the information set forth in [subsection] section 6344(b) or 6344.1a shall be borne by the employing entity or program, activity or service.

* * *

§ 6344.4. Recertification.

New certifications shall be obtained in accordance with the following:

(1) [Effective December 31, 2014:

(i) Except as provided in subparagraph (v)] Except as provided under section 6344.1a (relating to child-care centers, group child-care homes and family child-care homes), a person identified in section 6344 (relating to employees having contact with children; [adoptive and foster parents] resource families) shall be required to obtain the certifications required by this chapter every 60 months.

* * *

[(iii) Any person identified in section 6344 with a current certification issued prior to the effective date of this section shall be required to obtain the certifications required by this chapter within 60 months

from the date of the person's oldest certification or, if the current certification is older than 60 months, within one year of the effective date of this section.

(iv) A person identified in section 6344 without a certification or who was previously not required to have a certification shall be required to obtain the certifications required by this chapter no later than December 31, 2015.]

(2) (i) [Effective August 25, 2015, a] A person identified in section 6344.1a(k) and section 6344.2 (relating to volunteers having contact with children) shall be required to obtain the certifications required by this chapter every 60 months from the date of the person's [most recent] oldest certification [or, if the current certification is older than 60 months, within one year of the effective date of this section].

(ii) [A person identified under section 6344.2 without a certification or who was previously not required to have a certification shall be required to obtain the certifications required by this chapter no later than July 1, 2016.] (Reserved).

* * *

§ 6346. Cooperation of other agencies.

* * *

(d) Advice to county agency.--Whenever a report of suspected child abuse is referred from a county agency to a law enforcement official pursuant to section 6340(a)(9) and (10) (relating to release of confidential information [in confidential] and reports), as soon as possible, and without jeopardizing the criminal investigation or prosecution, the law

enforcement official shall advise the county agency as to whether a criminal investigation has been undertaken and the results of the investigation and of any criminal prosecution. The county agency shall ensure that the information is referred to the Statewide database and case management system.

§ 6347. Reports to Governor and General Assembly.

(a) General rule.--No later than [May] July 1 of every year, the secretary shall prepare and transmit to the Governor and the General Assembly a report on the operations of the Statewide database and case management system and protective services provided by county agencies. The report shall include a full statistical analysis of the reports of suspected child abuse made to the department and the reports of general protective services made to the department or county agencies, together with a report on the implementation of this chapter and its total cost to the Commonwealth, the evaluation of the secretary of services offered under this chapter and recommendations for repeal or for additional legislation to fulfill the purposes of this chapter. All such recommendations should contain an estimate of increased or decreased costs resulting therefrom. The report shall also include an explanation of services provided to children who were the subjects of founded or indicated reports while receiving child-care services. The department shall also describe its actions in respect to the perpetrators of the abuse.

(b) [Reports from county agencies.--To assist the department in preparing its annual report and the quarterly reports required under subsection (c), each county agency shall submit a quarterly report to the department, including, at a minimum, the following information, on an aggregate basis, regarding general

protective services and child protective services:

(1) The number of referrals received and referrals accepted.

(2) The number of children over whom the agency maintains continuing supervision.

(3) The number of cases which have been closed by the agency.

(4) The services provided to children and their families.

(5) A summary of the findings with nonidentifying information about each case of child abuse or neglect which has resulted in a child fatality or near fatality.]

(Reserved).

* * *

§ 6349. Penalties.

(a) Failure to amend or expunge information.--

(1) A person or official authorized to keep the records mentioned in section 6337 (relating to disposition [and expunction] of unfounded reports and general protective services reports) or 6338 (relating to disposition of founded and indicated reports) who willfully fails to amend [or expunge] the information when required commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.

(2) A person who willfully fails to obey a final order of the secretary or designated agent of the secretary to amend [or expunge] the summary of the report in the Statewide database and case management system or the contents of any report filed pursuant to section 6313 (relating to reporting procedure) or to expunge the information of a perpetrator

from the child abuse registry commits a misdemeanor of the third degree.

(b) Unauthorized release of information.--A person who willfully releases or permits the release of any information contained in the Statewide database and case management system, the child abuse registry or the county agency records required by this chapter to persons or agencies not permitted by this chapter to receive that information commits a misdemeanor of the second degree. Law enforcement officials shall insure the confidentiality and security of information under this chapter. A person, including a law enforcement official, who violates the provisions of this subsection shall, in addition to other civil or criminal penalties provided by law, be denied access to the information provided under this chapter.

(b.1) Unauthorized access or use of information.--A person who willfully accesses, attempts to access or uses information in the Statewide database and case management system or the child abuse registry for a purpose not authorized under this chapter commits a misdemeanor of the second degree. A person who uses information in the Statewide database and case management system or child abuse registry for a purpose not authorized under this chapter with intent to harass, embarrass or harm another person commits a misdemeanor of the first degree.

(c) Noncompliance with child-care personnel regulations.--An administrator, or other person responsible for employment decisions in a child-care facility or program, who willfully fails to comply with the provisions of section 6344 (relating to employees having contact with children; [adoptive and foster parents] resource families) or 6344.1a (relating to child-care centers, group child-care homes and family child-care homes)

commits a violation of this chapter and shall be subject to a civil penalty as provided in this subsection. The department shall have jurisdiction to determine violations of section 6344 or 6344.1a and may, following a hearing, assess a civil penalty not to exceed $2,500. The civil penalty shall be payable to the Commonwealth.

§ 6365. Services for prevention, investigation and treatment of child abuse.

* * *

(c) Multidisciplinary investigative team.--A multidisciplinary investigative team shall be used to coordinate child abuse investigations between county agencies and law enforcement. The county agency and the district attorney shall develop a protocol for the convening of multidisciplinary investigative teams for any case of child abuse by a perpetrator involving crimes against children which are set forth in section 6340(a)(9) and (10) (relating to release of confidential information [in confidential] and reports). The county multidisciplinary investigative team protocol shall include standards and procedures to be used in receiving and referring reports and coordinating investigations of reported cases of child abuse and a system for sharing the information obtained as a result of any interview. The protocol shall include any other standards and procedures to avoid duplication of fact-finding efforts and interviews to minimize the trauma to the child. The district attorney shall convene the multidisciplinary investigative team in accordance with the protocol. The multidisciplinary investigative team shall consist of those individuals and agencies responsible for investigating the abuse or for providing services to the child and shall at a minimum

include a health care provider, county caseworker and law enforcement official.

* * *

§ 6367. Reports to department and coroner.

* * *

(b) Reports to coroner or medical examiner.--

(1) The county agency shall give telephone notice and forward immediately a copy of reports made pursuant to this chapter which involve the death of a child to the appropriate coroner or medical examiner pursuant to section 6317 (relating to mandatory reporting and postmortem investigation of deaths).

(2) The county agency shall provide the appropriate coroner or medical examiner with any information relating to the reports made pursuant to this chapter which involve the death of a child that may assist the coroner or medical examiner in the investigation of the child's death.

* * *

Section 14. Section 6368(f) introductory paragraph, (2) and (5), (g) and (n)(1) of Title 23 are amended and subsection (d) is amended by adding a paragraph to read:

§ 6368. Investigation of reports.

* * *

(d) Investigative actions.--During the investigation, all of the following shall apply:

* * *

(5) If there is evidence in the investigation that substance use may be a contributing factor causing the alleged abuse or neglect, the county agency may seek a court order to compel appropriate drug and alcohol screening.

* * *

(f) Final determination.--Immediately upon conclusion of the child abuse investigation, the county agency shall provide the results of its investigation to the department in a manner prescribed by the department. Within three business days of receipt of the results of the investigation from the county agency, the department shall send notice of the final determination to the subjects of the report, other than the [abused] child who was abused. The determination shall include the following information:

* * *

(2) The perpetrator's right to request the secretary to amend [or expunge] the report and expunge information from the child abuse registry.

* * *

(5) The fact that the name of the perpetrator, the nature of the abuse and the final status of a founded or indicated report will be entered in the [Statewide database] child abuse registry, if the perpetrator's Social Security number or date of birth are known.

* * *

(g) Notice.--Notice under subsection (f) shall constitute mailing of the final determination to the recipient's last known address. The determination is presumed received when not returned by the postal authorities as undeliverable. If the determination is returned as undeliverable, the entry in the Statewide database and case management system shall include information that the department was unable to provide notice. No further efforts to provide notice shall be required, except that the department shall resume reasonable efforts to provide notice

if new information is received regarding the whereabouts of an individual who is entitled to receive notice under subsection (f).

* * *

(n) Completion of investigation.--Investigations shall be completed in accordance with the following:

(1) Investigations to determine whether to accept the family for service and whether a report is founded, indicated or unfounded shall be completed within 60 days in all cases[.]<u>, except as otherwise provided under section 6337(b) (relating to disposition of unfounded reports and general protective services reports).</u>

* * *

Section 15. Section 6370(b)(2)(ii) and (iii) of Title 23 are amended to read:

§ 6370. Voluntary or court-ordered services; findings of child abuse.

* * *

(b) Initiation of court proceeding.--

* * *

(2) * * *

(ii) If the court makes a specific finding that child abuse as defined by this chapter has not occurred, the county agency shall consider the court's finding to be a determination that the report of suspected abuse was an unfounded report. The county agency shall immediately notify the department of the change in the status of the report from an indicated report to an unfounded report. Upon notice, the department shall be responsible for [expunging] <u>amending</u> the indicated report consistent with

the [expunction] amendment requirements of this chapter.

[(iii) If there is a determination that the subjects of the unfounded report need services provided or arranged by the county agency, the county agency may retain those records only if it specifically identifies the report as an unfounded report of suspected child abuse.]

Section 16. The Secretary of Human Services shall transmit notice of county implementation of the case management system to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

Section 17. This act shall take effect as follows:

(1) The following shall take effect in 18 months:

(i) The amendment of the following provisions of 23 Pa.C.S.:

Section 6344(a) introductory paragraph, (2) and (8), (a.2) introductory paragraph, (a.3) introductory paragraph, (b) introductory paragraph, (b.1), (c)(4), (e), (f), (f.1), (g) and (n).

Section 6344.1(a), (b) and (c).

Section 6344.2(a).

Section 6344.3(g).

Section 6344.4(1) introductory paragraph and (i) and (2)(i).

Section 6349(c).

(ii) The addition of 23 Pa.C.S. § 6344.1a.

(2) The following shall take effect immediately following publication of the notice under section 16:

(i) The addition of the definition of "child abuse registry" and the amendment of the definition of

"expunge" in 23 Pa.C.S. § 6303.

(ii) The editorial amendment of "Statewide database" to "Statewide database and case management system" in this act.

(iii) The amendment of 23 Pa.C.S. §§ 6336, 6337, 6338, 6338.1(a) introductory paragraph and (b), 6339, 6341(a)(1)(ii) and (2), (b), (c), (c.4) and (f), 6342(a), 6347(b)(2), (3) and (4), 6349(a) and (b), 6368(f)(2) and (5), (g) and (n)(1) and 6370(b)(2)(ii) and (iii).

(iv) The addition of 23 Pa.C.S. § 6336.1.

(v) The amendment of "Statewide database" to "child abuse registry" under 23 Pa.C.S. § 6344(d)(4.1) and (5), (d.3), (o)(1) and (p)(1).

(3) The following shall take effect immediately:

The amendment of 23 Pa.C.S. § 6347(b)(1) and (5).

Section 16 of this act.

This section.

(4) The remainder of this act shall take effect in 180 days.