AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in provisions and responsibilities for reporting suspected child abuse, further providing for definitions and for persons required to report suspected child abuse; providing for privileged communications; further providing for persons permitted to report suspected child abuse, for reporting procedure, for documentary evidence on a child subject to report and for taking child into protective custody; and, in organization and responsibilities of child protective service, repealing provisions relating to taking child into protective custody.

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

Section 1. Section 6303(a) of Title 23 of the Pennsylvania Consolidated Statutes 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:

* * *
"ADULT." AN INDIVIDUAL 18 YEARS OF AGE OR OLDER.

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

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

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

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

(1) A youth camp or program.

(2) A recreational camp or program.

(3) A sports or athletic program.

(4) An outreach program.

(5) An enrichment program.

(6) A troop, club or similar organization.

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Section 2. Section 6311 of Title 23 is amended to read:

§ 6311. Persons required to report suspected child abuse.

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

(b) Enumeration of persons required to report.--Persons required to report under subsection (a) include, but are not limited to, any licensed physician, osteopath, medical examiner, coroner, funeral director, dentist, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, member of the clergy, school administrator, school teacher, school board member, school personnel engaged in the admission, examination, care or treatment of persons, and any other person who has been specifically designated by the department of health to be a person required to report child abuse under this chapter.
nurse, social services worker, day-care center worker or any
other child-care or foster-care worker, mental health
professional, peace officer or law enforcement official.
(c) Staff members of institutions, etc.—Whenever a person
is required to report under subsection (b) in the capacity as a
member of the staff of a medical or other public or private
institution, school, facility or agency, that person shall
immediately notify the person in charge of the institution,
school, facility or agency or the designated agent of the person
in charge. Upon notification, the person in charge or the
designated agent, if any, shall assume the responsibility and
have the legal obligation to report or cause a report to be made
in accordance with section 6313. This chapter does not require
more than one report from any such institution, school, facility
or agency.
(d) Civil action for discrimination against person filing
report.—Any person who, under this section, is required to
report or cause a report of suspected child abuse to be made and
who, in good faith, makes or causes the report to be made and,
as a result thereof, is discharged from his employment or in any
other manner is discriminated against with respect to
compensation, hire, tenure, terms, conditions or privileges of
employment, may commence an action in the court of common pleas
of the county in which the alleged unlawful discharge or
discrimination occurred for appropriate relief. If the court
finds that the person is an individual who, under this section,
is required to report or cause a report of suspected child abuse
to be made and who, in good faith, made or caused to be made a
report of suspected child abuse and, as a result thereof, was
discharged or discriminated against with respect to
compensation, hire, tenure, terms, conditions or privileges of employment, it may issue an order granting appropriate relief, including, but not limited to, reinstatement with back pay. The department may intervene in any action commenced under this subsection.]

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

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

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

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

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

(5) A child-care services provider.

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

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

(8) A social services worker.

(9) A peace officer or law enforcement official.

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

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

(12) An independent contractor.

(b) Basis to report.--

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

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

   (ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

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

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

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

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

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

§ 6311.1. Privileged communications.

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

(1) Apply to a situation involving child abuse.

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

(b) Confidential communications.—The following protections
shall apply:

(1) Confidential communications made to a member of the
clergy are protected under 42 Pa.C.S. § 5943 (relating to
confidential communications to clergymen).

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

Section 4. Sections 6312, 6313 and 6314 of Title 23 are
amended to read:

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

[In addition to those persons and officials required to
report suspected child abuse, any] Any person may make [such a
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 an abused child a victim of child abuse.

§ 6313. Reporting procedure.

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

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

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

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

(2) Where the suspected abuse occurred.

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

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

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

(6) Family composition.

(7) The source of the report.

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

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

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

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

(a) Report by mandated reporter.--

(1) A mandated reporter shall immediately make an oral or written report, which may be submitted electronically, of suspected child abuse to the department REPORT OF SUSPECTED CHILD ABUSE TO THE DEPARTMENT VIA THE STATEWIDE TOLL-FREE 2013SB0021PN1427 - 9 -
TELEPHONE NUMBER UNDER SECTION 6332 (RELATING TO ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE NUMBER) OR A WRITTEN REPORT USING ELECTRONIC TECHNOLOGIES UNDER SECTION 6304 (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, 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 report of suspected child abuse, which may be submitted electronically, shall include the following information, if known:

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

(2) Where the suspected abuse occurred.

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

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

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

(6) Family composition.

(7) The source of the report.
(8) The person making the report and where that person can be reached.

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

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

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

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

A person or official required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county agency at the time the written report is sent or within 48 hours after a report is made by electronic technologies or as soon thereafter as possible. The county agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases pursuant to section 6340(a)(9) or (10).
Section 5. Section 6315(a) of Title 23 is amended by adding a paragraph to read:

§ 6315. Taking child into protective custody.

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

* * *

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

* * *

Section 6. Section 6369 of Title 23 is repealed:

[§ 6369. Taking child into protective custody.

Pursuant to the provisions of section 6315 (relating to taking child into protective custody) and after receipt of a court order, the county agency shall take a child into protective custody for protection from abuse. No county agency worker may take custody of the child without judicial authorization based on the merits of the situation.]

Section 7. This act shall take effect January 1, 2014.