

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO SENATE BILL NO. 21

Sponsor:

Printer's No. 680

1 Amend Bill, page 1, lines 1 through 7, by striking out all of
2 said lines and inserting

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

14 Amend Bill, page 1, lines 10 and 11, by striking out all of
15 said lines and inserting

16 Section 1. Section 6303(a) of Title 23 of the Pennsylvania
17 Consolidated Statutes is amended by adding definitions to read:
18 § 6303. Definitions.

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

22 * * *

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

26 * * *

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

34 * * *

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

1 * * *

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

- 6 (1) A youth camp or program.
7 (2) A recreational camp or program.
8 (3) A sports or athletic program.
9 (4) An outreach program.
10 (5) An enrichment program.
11 (6) A troop, club or similar organization.

12 * * *

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

14 Amend Bill, page 3, lines 29 and 30; pages 4 through 6, lines
15 1 through 30; page 7, lines 1 through 19, by striking out all of
16 said lines on said pages and inserting

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

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

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

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

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

30 (5) A child-care services provider.

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

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

39 (8) A social services worker.

40 (9) A peace officer or law enforcement official.

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

43 (11) An individual supervised or managed by a person
44 listed under paragraph (1), (2), (3), (4), (5), (6), (7),
45 (8), (9) or (10), who has direct contact with children in the
46 course of employment.

47 (12) An independent contractor.

48 (b) Basis to report.--

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

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

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

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

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

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

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

29 Section 3. Title 23 is amended by adding a section to read:
30 § 6311.1. Privileged communications.

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

34 (1) Apply to a situation involving child abuse.

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

37 (b) Confidential communications.--The following protections
38 shall apply:

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

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

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

50 Amend Bill, page 7, lines 24 through 26, by striking out

1 "electronic report of suspected child abuse," in line 24, all of
2 line 25 and "to be made to the department, county" in line 26
3 and inserting

4 written report of suspected child abuse, which may be submitted
5 electronically, or cause a report of suspected child abuse to be
6 made to the department, county agency

7 Amend Bill, page 7, line 27, by inserting a bracket before
8 "an"

9 Amend Bill, page 7, line 28, by inserting after "child"

10] a victim of child abuse

11 Amend Bill, page 9, lines 19 through 21, by striking out "A
12 report of suspected child abuse by or on behalf of" in line 19
13 and all of lines 20 and 21 and inserting

14 A mandated reporter shall immediately make an oral or written
15 report, which may be submitted electronically, of suspected
16 child abuse to the department.

17 Amend Bill, page 9, lines 22 through 26, by striking out "a
18 report under paragraph" in line 22 and all of lines 23 through
19 26 and inserting

20 an oral report under paragraph (1) of suspected child abuse
21 shall also make a written report, which may be submitted
22 electronically, within 48 hours to the department or county
23 agency assigned to the case in a manner and format prescribed by
24 the department.

25 Amend Bill, page 9, line 28, by striking out "in writing or
26 electronically"

27 Amend Bill, page 10, line 2, by inserting after "report.--A "
28 written

29 Amend Bill, page 10, line 3, by striking out "that is made in
30 writing or electronically" and inserting

31 , which may be submitted electronically,

32 Amend Bill, page 10, by inserting between lines 26 and 27

33 (10) Any other information required by Federal law or

1 regulation.

2 Amend Bill, page 10, line 27, by striking out "(10)" and
3 inserting

4 (11)

5 Amend Bill, page 11, lines 8 and 9, by striking out "advanced
6 communication" and inserting

7 electronic

8 Amend Bill, page 11, line 12, by inserting after "request."

9 Medical summaries or reports of the photographs, x-rays and
10 relevant medical tests shall be made available to law
11 enforcement officials in the course of investigating cases
12 pursuant to section 6340(a)(9) or (10).

13 Amend Bill, page 11, line 13, by striking out "2" and
14 inserting

15 5

16 Amend Bill, page 11, by inserting between lines 24 and 25

17 Section 6. Section 6369 of Title 23 is repealed:

18 [§ 6369. Taking child into protective custody.

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

25 Amend Bill, page 11, line 25, by striking out "3" and
26 inserting

27 7

28 Amend Bill, page 11, line 25, by striking out "in 60 days"
29 and inserting

30 January 1, 2014