

No. 2006-146

AN ACT

HB 2670

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for involuntary termination of parental rights; and, in child protective services, further providing for definitions, further providing for release of information in confidential reports, providing for citizen review panels and further providing for reports; and providing for mandatory reporting of substance abuse births.

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

Section 1. Section 2511(a) of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 2511. Grounds for involuntary termination.

(a) General rule.—The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

* * *

(9) The parent has been convicted of one of the following in which the victim was a child of the parent:

(i) an offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);

(ii) a felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);

(iii) an offense in another jurisdiction equivalent to an offense in subparagraph (i) or (ii); or

(iv) an attempt, solicitation or conspiracy to commit an offense in subparagraph (i), (ii) or (iii).

* * *

Section 2. Section 6303(a) of Title 23 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:

* * *

“Near fatality.” An act that, as certified by a physician, places a child in serious or critical condition.

* * *

“Nonaccidental.” An injury that is the result of an intentional act that is committed with disregard of a substantial and unjustifiable risk.

* * *

Section 3. Section 6340(a)(1) of Title 23 is amended and the subsection is amended by adding a paragraph to read:

§ 6340. Release of information in confidential reports.

(a) General rule.—Reports specified in section 6339 (relating to confidentiality of reports) shall only be made available to:

(1) An authorized official of a county agency, *of 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 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 team members assigned to the case and duly authorized persons providing services pursuant to section 6370(a) (relating to voluntary or court-ordered services; findings of child abuse).

* * *

(16) *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.*

* * *

Section 4. Title 23 is amended by adding a section to read:

§ 6343.1. *Citizen review panels.*

(a) *Establishment.—The department shall establish a minimum of three citizen review panels.*

(b) *Function.—The panels shall examine all of the following:*

(1) *Policies, procedures and practices of State and local agencies and, where appropriate, specific cases to evaluate the extent to which State and local child protective services system¹ agencies are effectively discharging their child protection responsibilities under section 106(b) of the Child Abuse Prevention and Treatment Act (Public Law 93-247, 42 U.S.C. § 5106a(b)).*

(2) *Other criteria the panel considers important to ensure the protection of children, including:*

(i) *a review of the extent to which the State and local child protective services system is coordinated with the foster care and adoption programs established under Part E of Title IV of the Social Security Act (49 Stat. 620, 42 U.S.C. § 670 et seq.); and*

(ii) *a review of child fatalities and near fatalities.*

(c) *Membership.—The panels shall be composed of volunteer members who represent the community, including members who have expertise in the prevention and treatment of child abuse and neglect.*

(d) *Meetings.—Each citizen review panel shall meet not less than once every three months.*

¹“protective system” in enrolled bill.

(e) Reports.—*The department shall issue an annual report summarizing the activities and recommendations of the panels and summarizing the department response to the recommendations.*

Section 5. Section 6347 heading and (b) introductory paragraph of Title 23 are amended, subsection (a) is carried without amendment, subsection (b) is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 6347. **[Annual reports] Reports** to Governor and General Assembly.

(a) General rule.—No later than May 1 of every year, the secretary shall prepare and transmit to the Governor and the General Assembly a report on the operations of the central register of child abuse and child 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 under Subchapter C.1 (relating to students in public and private schools), 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, child protective services and action under Subchapter C.1:

* * *

(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.

(c) Quarterly reports.—*The department shall prepare and transmit to the Governor and the General Assembly a quarterly report that includes a summary of the findings with nonidentifying information about each case of child abuse or neglect that has resulted in a child fatality or near fatality. One of the quarterly reports may be included within the annual report required under subsection (a).*

Section 6. Title 23 is amended by adding a section to read:

§ 6386. **Mandatory reporting of infants born and identified as being affected by illegal substance abuse.**

Health care providers who are involved in the delivery or care of an infant who is born and identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug

exposure shall immediately cause a report to be made to the appropriate county agency. The county agency shall provide or arrange for appropriate services for the infant.

Section 7. This act shall take effect in 180 days.

APPROVED—The 9th day of November, A.D. 2006.

EDWARD G. RENDELL