

No. 1983-42

AN ACT

SB 522

Amending the act of November 26, 1975 (P.L.438, No.124), entitled, as amended, "An act establishing child protective services; providing procedures for reporting and investigating the abuse of children; establishing and providing access to a Statewide central register and pending complaint file on child abuse; investigating such reports; providing for taking protective action including taking a child into protective custody; placing duties on the Department of Public Welfare and county children and youth social service agencies; establishing child protective services in each county children and youth social service agency; and providing penalties," further defining "family or household members."

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

Section 1. The definition of "family or household members" in section 3 of the act of November 26, 1975 (P.L.438, No.124), known as the Child Protective Services Law, amended June 10, 1982 (P.L.460, No.136), is amended to read:

Section 3. Definitions.—As used in this act:

* * *

"Family [or household] members" means spouses, [persons living as spouses,] parents and children, or other persons related by consanguinity or affinity.

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Section 2. Section 15(a)(9) and (10) of the act, amended June 10, 1982 (P.L.460, No.136), are amended to read:

Section 15. Confidentiality of Records.—(a) Except as provided in section 14, reports made pursuant to this act including but not limited to report summaries of child abuse made pursuant to section 6(b) and written reports made pursuant to section 6(c) 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, a county children and youth social service agency or a child protective service shall be confidential and shall only be made available to:

* * *

(9) Law enforcement officials in the course of investigating cases of (i) homicide, sexual abuse or exploitation, or serious bodily injury as perpetrated by persons whether related or not related to the victim; (ii) child abuse perpetrated by persons who are not family [or household] members or (iii) repeated physical injury to a child under circumstances which indicate that the child's health or welfare is harmed or threatened.

(10) Law enforcement officials who shall receive reports of abuse in which the initial review gives evidence that the abuse is homicide, sexual abuse or exploitation, or serious bodily injury perpetrated by persons

whether related or not related to the victim, or child abuse perpetrated by persons who are not family **[or household]** members. Reports referred to law enforcement officials shall be on such forms provided by and according to regulations promulgated by the department. For purposes of section 15(a) "serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

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Section 3. This act shall take effect in 60 days.

APPROVED—The 21st day of October, A. D. 1983.

DICK THORNBURGH