

Comparison Chart: Investigations and Assessments Gathering and Accessing Information

Issue	Code	Old	New	Description	Effective Date
Taking child into protective custody	§6315(d) of Title 23 ADDED by Act 33 of 2014	<p>(a) General rule.--A child may be taken into protective custody:</p> <p>(1) As provided by 42 Pa.C.S. § 6324 (relating to taking into custody).</p> <p>(2) By a physician examining or treating the child or by the director, or a person specifically designated in writing by the director, of any hospital or other medical institution where the child is being treated if protective custody is immediately necessary to protect the child under this chapter.</p> <p>(3) By a physician or the director, or a person specifically designated by the director, of a hospital pursuant to Chapter 65 (relating to Newborn protection) if the child is a newborn.</p> <p>(b) Duration of custody.--No child may be held in protective custody for more than 24 hours unless the appropriate county agency is immediately notified that the child has been taken into custody and the county agency obtains an order from a court of competent jurisdiction permitting the child to be held in custody for a longer period. Each court shall insure that a</p>	<p>(a) General rule.--A child may be taken into protective custody:</p> <p>(1) As provided by 42 Pa.C.S. § 6324 (relating to taking into custody).</p> <p>(2) By a physician examining or treating the child or by the director, or a person specifically designated in writing by the director, of any hospital or other medical institution where the child is being treated if protective custody is immediately necessary to protect the child under this chapter.</p> <p>(3) By a physician or the director, or a person specifically designated by the director, of a hospital pursuant to Chapter 65 (relating to newborn protection) if the child is a newborn.</p> <p>(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.</p> <p>(5) By a police officer at a police station under Chapter 65.</p> <p>(b) Duration of custody.--No child may be held in protective custody for more than 24 hours unless the appropriate county agency is immediately notified that the</p>	<ul style="list-style-type: none"> • Clarified that no county agency worker may take custody of the child without judicial authorization based on the merits of the situation • Added the provision that a police officer at a police station may take a child into protective custody under Chapter 65 	Act 33 of 2014 effective 12/31/14

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		<p>judge is available 24 hours a day, 365 days a year to accept and decide the actions brought by a county agency under this subsection within the 24-hour period.</p> <p>(c) Notice of custody.--</p> <p>(1) Except as provided in paragraph (2), an individual taking a child into protective custody under this chapter shall immediately, and within 24 hours in writing, notify the parent, guardian or other custodian of the child of the whereabouts of the child, unless prohibited by court order, and the reasons for the need to take the child into protective custody and shall immediately notify the appropriate county agency in order that proceedings under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) may be initiated, if appropriate.</p> <p>(2) In the case of a newborn taken into protective custody pursuant to subsection (a)(3), the county agency shall within 24 hours make diligent efforts to notify a parent, guardian, custodian or other family member of the</p>	<p>child has been taken into custody and the county agency obtains an order from a court of competent jurisdiction permitting the child to be held in custody for a longer period. Each court shall insure that a judge is available 24 hours a day, 365 days a year to accept and decide the actions brought by a county agency under this subsection within the 24-hour period.</p> <p>(c) Notice of custody.—</p> <p>(1) Except as provided in paragraph (2), an individual taking a child into protective custody under this chapter shall immediately, and within 24 hours in writing, notify the parent, guardian or other custodian of the child of the whereabouts of the child, unless prohibited by court order, and the reasons for the need to take the child into protective custody and shall immediately notify the appropriate county agency in order that proceedings under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) may be initiated, if appropriate.</p> <p>(2) In the case of a newborn taken into protective custody pursuant to subsection (a)(3), the county agency shall within 24 hours make diligent efforts to notify a parent, guardian,</p>		

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		<p>whereabouts of the newborn, unless prohibited by court order, and the reasons for the need to take the newborn into protective custody.</p> <p>(d) Informal hearing.--In no case shall protective custody under this chapter be maintained longer than 72 hours without an informal hearing under 42 Pa.C.S. § 6332 (relating to informal hearing). If, at the hearing, it is determined that protective custody shall be continued and the child is alleged to be without proper parental care or control or is alleged to be a dependent child under 42 Pa.C.S. § 6302 (relating to definitions), the county agency shall within 48 hours file a petition with the court under 42 Pa.C.S. Ch. 63 alleging that the child is a dependent child.</p> <p>(e) Place of detention.--No child taken into protective custody under this chapter may be detained during the protective custody except in an appropriate medical facility, foster home or other appropriate facility approved by the department for this purpose.</p> <p>(f) Conference with parent or other custodian.--A conference between the</p>	<p>custodian or other family member of the whereabouts of the newborn, unless prohibited by court order, and the reasons for the need to take the newborn into protective custody.</p> <p>(d) Informal hearing.--In no case shall protective custody under this chapter be maintained longer than 72 hours without an informal hearing under 42 Pa.C.S. § 6332 (relating to informal hearing). If, at the hearing, it is determined that protective custody shall be continued and the child is alleged to be without proper parental care or control or is alleged to be a dependent child under 42 Pa.C.S. § 6302 (relating to definitions), the county agency shall within 48 hours file a petition with the court under 42 Pa.C.S. Ch. 63 alleging that the child is a dependent child.</p> <p>(e) Place of detention.--No child taken into protective custody under this chapter may be detained during the protective custody except in an appropriate medical facility, foster home or other appropriate facility approved by the department for this purpose.</p> <p>(f) Conference with parent or other custodian.--A conference between the parent, guardian or other custodian of</p>		

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		<p>parent, guardian or other custodian of the child taken into temporary protective custody pursuant to this section and the employee designated by the county agency to be responsible for the child shall be held within 48 hours of the time that the child is taken into custody for the purpose of:</p> <p>(1) Explaining to the parent, guardian or other custodian the reasons for the temporary detention of the child and the whereabouts of the child, unless prohibited by court order.</p> <p>(2) Expediting, wherever possible, the return of the child to the custody of the parent, guardian or other custodian where custody is no longer necessary.</p> <p>(3) Explaining to the parent, guardian or other custodian the rights provided for under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338 (relating to other basic rights).</p>	<p>the child taken into temporary protective custody pursuant to this section and the employee designated by the county agency to be responsible for the child shall be held within 48 hours of the time that the child is taken into custody for the purpose of:</p> <p>(1) Explaining to the parent, guardian or other custodian the reasons for the temporary detention of the child and the whereabouts of the child, unless prohibited by court order.</p> <p>(2) Expediting, wherever possible, the return of the child to the custody of the parent, guardian or other custodian where custody is no longer necessary.</p> <p>(3) Explaining to the parent, guardian or other custodian the rights provided for under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338 (relating to other basic rights).</p>		
Establishment of a Statewide Database	§6331 of Title 23 AMENDED by Act 119 of 2013, Act 29 of 2014, and Act 45 of 2014	<p>Establishment of pending complaint file, Statewide central register and file of unfounded reports.</p> <p>There shall be established in the department:</p>	<p>Establishment of Statewide database.</p> <p>There shall be established in the department a Statewide database of protective services, which shall include the following, as provided by section 6336</p>	<ul style="list-style-type: none"> • Established a statewide database of protective services to include: <ul style="list-style-type: none"> ○ Reports of suspected child abuse pending investigation ○ Reports with a status of pending juvenile 	Act 119 of 2013 effective 7/01/14

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		<p>(1) A pending complaint file of child abuse reports under investigation and a file of reports under investigation pursuant to Subchapter C.1 (relating to students in public and private schools).</p> <p>(2) A Statewide central register of child abuse which shall consist of founded and indicated reports.</p> <p>(3) A file of unfounded reports awaiting expunction.</p>	<p>(relating to information in Statewide database):</p> <p>(1) Reports of suspected child abuse pending investigation.</p> <p>(2) Reports with a status of pending juvenile court or pending criminal court action.</p> <p>(3) Indicated and founded reports of child abuse.</p> <p>(4) Unfounded reports of child abuse awaiting expunction.</p> <p>(5) Unfounded reports accepted for services.</p> <p>(6) Reports alleging the need for general protective services.</p> <p>(7) General protective services reports that have been determined to be valid.</p> <p>(8) Reports alleging the need for general protective services that have been determined invalid and are awaiting expunction.</p> <p>(9) A family case record for all reports accepted for investigation, assessment or services.</p> <p>(10) Information on reports made to the agency, but not accepted for investigation or assessment.</p> <p>(11) False reports of child abuse pursuant to a conviction under 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse) for the purpose of identifying</p>	<p>court or pending criminal court action</p> <ul style="list-style-type: none"> ○ Indicated and founded reports of child abuse ○ Unfounded reports of child abuse awaiting expunction ○ Unfounded reports accepted for services ○ Reports alleging the need for general protective services ○ General protective services reports that have been determined to be valid ○ Reports alleging the need for general protective services that have been determined invalid and are awaiting expunction ○ A family case record for all reports accepted for investigation, assessment or services ○ Information on reports made to the agency, but not accepted for investigation or assessment ○ False reports for the purpose of identifying and tracking patterns of intentional false reporting 	<p>Act 29 of 2014 effective 12/31/14</p> <p>Act 45 of 2014 effective 12/31/14</p>

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			and tracking patterns of intentionally false reports.		
Access to information in Statewide Database	§ 6335 of Title 23 AMENDED by Act 29 of 2014 and by Act 15 of 2015	Information in pending complaint and unfounded report files. (a) Information authorized.--The information contained in the pending complaint file shall be limited to the information required in sections 6313(c) (relating to reporting procedure) and 6353.2 (relating to responsibilities of county agency). The information contained in the file for unfounded reports shall be limited to the information required by section 6336 (relating to information in Statewide central register). (b) Access to information.--Except as provided in sections 6332 (relating to establishment of Statewide toll-free telephone number), 6334 (relating to disposition of complaints received), 6340 (relating to release of information in confidential reports) and 6342 (relating to studies of data in records), no person, other than an employee of the department in the course of official duties in connection with the responsibilities of the department under this chapter, shall at any time have access to any information in the pending complaint	Access to information in Statewide database. (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 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. (b) Verification of need.--Information may be released under this section if a request for information is made orally or in writing and the department has done all of the following: (1) Identified the requester, including electronic verification of the requester's identity (2) Determined whether the requester is authorized to obtain the information under this section (3) Provided notice to the requester that access and dissemination of the	<ul style="list-style-type: none"> • Permitted county agency or law enforcement to request information from the statewide database to determine the existence of prior reports involving the subject of the report • Required the department to immediately convey information to a county agency or law enforcement official related to a report or a pending investigation or assessment concerning the subject of the report • Permitted release of information if the request is made orally or in writing and the department has: <ul style="list-style-type: none"> ○ Identified and verified the requester ○ Determined authorization ○ Notified the requestor that access and dissemination of the information is restricted ○ Obtained an affirmation by the requestor that the request is within the scope of that person's official duties and the provisions of this chapter • Permitted a county agency or law enforcement official to request the information for the purpose of: <ul style="list-style-type: none"> ○ 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 	Act 29 of 2014 effective 12/31/14 Act 15 of 2015 effective 7/1/2015

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		<p>file or Statewide central register. Information in the file of unfounded reports shall be available only to employees of the department pursuant to this subsection, to subjects of a report or law enforcement officials pursuant to section 6340 and to the Office of Attorney General pursuant to section 6345 (relating to audits by Attorney General) until the reports are expunged pursuant to section 6337 (relating to disposition of unfounded reports). (Dec. 16, 1994, P.L.1292, No.151, eff. July 1, 1995; Dec. 15, 1998, P.L.963, No.127, eff</p>	<p>information is restricted as provided by this chapter (4) Obtained an affirmation by the requester that the request is within the scope of that person's official duties and the provisions of this chapter (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 for the purpose of investigating a criminal offense as follows: (i) Information regarding indicated and founded reports may be used for any purpose authorized by this chapter (ii) Information on all other reports may be used for the purposes of</p>	<p>criminal offense</p> <ul style="list-style-type: none"> • Permitted law enforcement official to use information contained in the Statewide database for the purpose of investigating a criminal offense as follows: <ul style="list-style-type: none"> ○ Information regarding indicated and founded reports may be used for any purpose authorized by this chapter ○ Information on all other reports may be used for the purposes of investigating a crime involving: <ul style="list-style-type: none"> ▪ Harm or threatened harm to a child ▪ An alleged violation of failure to report ▪ False reports of child abuse ▪ Intimidation, retaliation, or obstruction in child abuse cases • Permitted a county agency or the department to use information contained in the Statewide database as follows: <ul style="list-style-type: none"> ○ Information regarding indicated or founded reports may be used for any purpose authorized by this chapter ○ Information on all other reports may be used for any purpose authorized by this chapter, except that information in reports that are not founded or indicated may not be used as evidence by the county agency when determining that a new report of suspected abuse is an indicated report 	

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			<p>investigating a crime involving harm or threatened harm to a child, an alleged violation of section 6319 (relating to penalties for failure to report or to refer) or 6349 (relating to penalties) or an alleged violation of 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse) or 4958 (relating to intimidation, retaliation or obstruction in child abuse cases)</p> <p>(2) A county agency may use information contained in the Statewide database as follows:</p> <p>(i) Information regarding indicated or founded reports may be used for any purpose authorized by this chapter</p> <p>(ii) Information on all other reports may be used for any purpose authorized by this chapter, except that information in reports that are not founded or indicated may not be used as evidence by the county agency when determining that a new report of suspected abuse is an indicated report</p> <p>(3) The department may use information contained in the Statewide database as follows:</p> <p>(i) Information regarding indicated</p>	<ul style="list-style-type: none"> • Prohibited access to any person other than an employee of the department in the course of official duties to any information in the Statewide database except for the following: <ul style="list-style-type: none"> ○ Section 6334 (relating to disposition of complaints received) ○ Section 6340 (relating to release of information in confidential reports) ○ Section 6342 (relating to studies of data in records) ○ Section 6343 (relating to investigating performance of county agency) ○ Section 6343.1 (relating to citizen review panels) ○ Section 6347 (relating to reports to Governor and General Assembly) • Information provided in response to certification inquiries cannot include unfounded reports of child abuse or reports related to general protective services and must be limited to the following: <ul style="list-style-type: none"> ○ Whether the person was named as a perpetrator of child abuse in a founded or indicated report ○ Whether there is an investigation pending in which the individual is an alleged perpetrator ○ The number, date of the incidents upon which the report is based and the type of abuse or neglect involved <p>Requests under this section may be made using</p>	

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			<p>or founded reports may be used for any purpose authorized by this chapter</p> <p>(ii) Information on all other reports may be used for any purpose authorized by this chapter, except that information in reports that are not founded or indicated may not be used as evidence by the department when determining that a new report of suspected abuse is an indicated report</p> <p>(4) Information in the Statewide database may not be used for any purpose not authorized by this chapter</p> <p>(d) Authorized releases for governmental functions.--No person, other than an employee 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 except as provided under this section and the following:</p> <p>(1) Section 6334 (relating to disposition of complaints received)</p> <p>(2) Section 6340 (relating to release of information in confidential reports)</p> <p>(3) Section 6342 (relating to studies of</p>	<p>electronic technologies if appropriate verification is made.</p>	

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			<p>data in records)</p> <p>(4) Section 6343 (relating to investigating performance of county agency)</p> <p>(5) Section 6343.1 (relating to citizen review panels)</p> <p>(6) Section 6347 (relating to reports to Governor and General Assembly)</p> <p>(e) Certifications.--Information provided in response to inquiries under section 6344 (relating to employees having contact with children; adoptive and foster parents), 6344.1 (relating to information relating to certified or licensed child-care home residents) or 6344.2 (relating to volunteers having contact with children) shall not include unfounded reports of child abuse or reports related to general protective services and shall be limited to the following:</p> <p>(1) Whether the person was named as a perpetrator of child abuse in a founded or indicated report</p> <p>(2) Whether there is an investigation pending in which the individual is an alleged perpetrator</p> <p>(3) The number, date of the incidents upon which the report is based and the type of abuse or neglect involved in any reports identified under</p>		

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			<p style="text-align: center;">paragraph (1)</p> <p>(f) Electronic technologies.--Requests under this section may be made using electronic technologies if appropriate verification is made in accordance with subsection (b).</p>		
<p>Information in Statewide Database</p>	<p>§ 6336 of Title 23 AMENDED by Act 29 of 2014</p>	<p>Information in Statewide central register.</p> <p>(a) Information authorized.--The Statewide central register shall include and shall be limited to the following information:</p> <p>(1) The names, Social Security numbers, age and sex of the subjects of the reports</p> <p>(2) The date or dates and the nature and extent of the alleged instances of suspected child abuse</p> <p>(3) The home addresses of the subjects of the report</p> <p>(4) The county in which the suspected abuse occurred</p> <p>(5) Family composition</p> <p>(6) The name and relationship to the abused child of other persons named in the report</p> <p>(7) Factors contributing to the abuse</p> <p>(8) The source of the report</p> <p>(9) Services planned or provided</p> <p>(10) Whether the report is a</p>	<p>Information in Statewide database.</p> <p>(a) Information authorized.--The Statewide database shall include and shall be limited to the following information:</p> <p>(1) The names, Social Security numbers, age, race, ethnicity and sex of the subjects of the reports</p> <p>(2) The date or dates and the nature and extent of the alleged instances that created the need for protective services</p> <p>(3) The home addresses of the subjects of the report</p> <p>(4) The county in which the alleged incidents that created the need for protective services occurred</p> <p>(5) Family composition</p> <p>(6) The name and relationship to the child in question and of other persons named in the report</p> <p>(7) Factors contributing to the need for protective services</p> <p>(8) The source of the report</p> <p>(9) Services planned or provided</p> <p>(10) If the report alleges child abuse,</p>	<ul style="list-style-type: none"> • Amended to include additional information that must be maintained in the database for protective service reports including: <ul style="list-style-type: none"> ○ Race and ethnicity ○ If the report alleged the child was in need of general protective services, whether the report was valid or invalid ○ If the report was accepted for services and the reasons for the acceptance ○ 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 ○ 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 ○ Unfounded reports of child abuse, limited to the information authorized under section 6337 ○ Any additional information provided in section 6313(c) (relating to reporting procedure) ○ Any additional demographic information 	<p>Act 29 of 2014 effective 12/31/14</p>

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		<p>founded report or an indicated report</p> <p>(11) 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</p> <p>(12) The progress of any legal proceedings brought on the basis of the report of suspected child abuse</p> <p>(13) Whether a criminal investigation has been undertaken and the result of the investigation and of any criminal prosecution. No information other than that permitted in this subsection shall be retained in the Statewide central register.</p> <p>(b) Type of information released.--(Deleted by amendment).</p> <p>(c) Limitation on release of information.--(Deleted by amendment).</p>	<p>whether the report was determined to be founded, indicated or unfounded</p> <p>(11) If the report alleged the child was in need of general protective services, whether the report was valid or invalid</p> <p>(12) If the report was accepted for services and the reasons for the acceptance</p> <p>(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</p> <p>(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</p> <p>(15) The progress of any legal proceedings brought on the basis of the report of suspected child abuse</p> <p>(16) Whether a criminal investigation has been undertaken and the result of the investigation and of any criminal prosecution</p> <p>(17) In the case of an unfounded or invalid report, if it is later determined that the initial report was a false</p>	<p>that the department requires to comply with section 6342 (relating to studies of data in records)</p> <ul style="list-style-type: none"> ○ A family case record for each family accepted for investigation, assessment or services ○ With respect to cases that are not accepted for child abuse investigation or general protective services assessment or are referred to community services: <ul style="list-style-type: none"> ▪ The reason the report was not accepted ▪ Any information provided to the referral source or the family related to other services or option available to address the report ● 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) 	

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			<p>report, a notation to that effect regarding the status of the report</p> <p>(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)</p> <p>(19) Any additional information provided in section 6313(c) (relating to reporting procedure)</p> <p>(20) Any additional demographic information that the department requires to comply with section 6342 (relating to studies of data in records)</p> <p>(21) A family case record for each family accepted for investigation, assessment or services which shall be maintained consistent with regulatory requirements</p> <p>(22) With respect to cases that are not accepted for child abuse investigation or general protective services assessment or are referred to community services:</p> <ul style="list-style-type: none"> (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 		

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			(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.		
Release of information in confidential reports	§ 6340 (a) (5.1) and (a)(9)(i) and (c) of Title 23 AMENDED by Act 107 of 2013, Act 29 of 2014, and by Act 153 of 2014	(a) General rule.--Reports specified in section 6339 (relating to confidentiality of reports) shall only be made available to: (5.1) A court of common pleas in connection with any matter involving custody of a child. The department shall provide to the court any reports and files which the court considers relevant. (9) 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 information relating to prospective child-care personnel), sexual abuse, sexual exploitation, serious bodily	(a) General rule.--Reports specified in section 6339 (relating to confidentiality of reports) shall only be made available to: (5.1) A court of common pleas in connection with 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). (9) 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	<ul style="list-style-type: none"> • Amended to align language with other statutory amendments and language • Required reports to be made available to a court of common pleas in matters involving custody of a child as set forth in: <ul style="list-style-type: none"> ○ 5328 (relating to factors to consider when awarding custody) ○ 5329.1 (relating to consideration of child abuse and involvement with protective services) • See change to 6344(c) Prohibited the release of data 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 	Act 107 of 2013 effective 1/1/2014 Act 29 of 2014 effective 12/31/2014 Act 153 of 2014 effective 12/31/2014

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		<p>injury or serious physical injury perpetrated by persons whether or not related to the victim.</p> <p>(c) Protecting identity of person making report.--Except for reports pursuant to subsection (a)(9) and (10), the release of data that would identify the person who made a report of suspected child abuse or the person who cooperated in a subsequent investigation is prohibited unless the secretary finds that the release will not be detrimental to the safety of that person. Law enforcement officials shall treat all reporting sources as confidential informants.</p>	<p>children; adoption and foster parents), sexual abuse or exploitation, bodily injury or serious bodily injury caused by a perpetrator or nonperpetrator.</p> <p>(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 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.</p>		

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<p>Release of information in confidential reports</p>	<p>§ 6340 (a) (18) of Title 23 ADDED by Act 15 of 2015</p>	<p>NA</p>	<p>The Department of 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 identifiable reports or copies thereof from the department or county agency</p>	<ul style="list-style-type: none"> Added (18) to state that reports specified in section 6339 can be made available to the Department of Auditor General 	<p>Act 15 of 2015 effective 7/1/15</p>

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Exchange of information	§ 6340.1 of Title 23 ADDED by Act 176 of 2014	NA	<p>(a) Certified medical practitioners.--In circumstances which negatively affect the medical health of a child, a certified medical practitioner shall in a timely manner provide the county agency with the following information when an assessment for general protective services or a child abuse investigation is being conducted or when the family has been accepted for services by a county agency:</p> <ol style="list-style-type: none"> (1) Relevant medical information known to the certified medical practitioner regarding the child's prior and current health (2) Information from a subsequent examination (3) Information regarding treatment of the child (4) Relevant medical information known regarding any other child in the child's household where such information may contribute to the assessment, investigation or provision of services by the county agency to the child or other children in the household <p>(b) Parental consent.--Parental consent is not required for the certified medical practitioner to provide the information under subsection (a).</p> <p>(c) Request by certified medical</p>	<ul style="list-style-type: none"> • Required, in circumstances which negatively affect the medical health of a child, a certified medical practitioner to provide the county agency with the following information when an assessment for general protective services or a child abuse investigation is being conducted or when the family has been accepted for services by a county agency: <ul style="list-style-type: none"> ○ Relevant medical information regarding the child's prior and current health ○ Information from a subsequent examination ○ Information regarding treatment of the child ○ Relevant medical information known regarding any other child in the child's household • Parental consent is not required for the certified medical practitioner to provide the information under subsection (a) • Required, 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, to provide the following information: <ul style="list-style-type: none"> ○ The final status of any assessment of general protective services or an investigation of child abuse ○ Information on an unfounded report of child abuse if the certified medical 	Act 176 of 2014 effective 12/31/14

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Issue	Code	Old	New	Description	Effective Date
			<p>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:</p> <p>(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</p> <p>(2) Information on an unfounded report of child abuse if the certified medical practitioner made the report as a mandated reporter under section 6311 (relating to persons required to report suspected child abuse)</p> <p>(3) If accepted for services, any service provided, arranged for or to be provided by the county agency</p> <p>(4) The identity of other certified medical practitioners providing medical care to the child to obtain the child's medical records to allow for coordination of care between medical practitioners</p> <p>(d) Notification by county agency.--In circumstances which negatively affect</p>	<p>practitioner made the report as a mandated reporter</p> <ul style="list-style-type: none"> ○ If accepted for services, any service provided, arranged for or to be provided by the county agency ○ The identity of other certified medical practitioners providing medical care to the child to obtain the child's medical records to allow for coordination of care between medical practitioners <ul style="list-style-type: none"> ● Required, in circumstances which negatively affect the medical health of a child, the county agency to notify the certified medical practitioner who is the child's primary care provider, if known, of the following information: <ul style="list-style-type: none"> ○ The final status of any assessment of general protective services or an investigation of child abuse ○ Information on an unfounded report of child abuse if the certified medical practitioner made the report as a mandated reporter under section 6311 <p>If accepted for services, any service provided, arranged for or to be provided by the county agency</p>	

Comparison Chart: Investigations and Assessments
Gathering and Accessing Information

Issue	Code	Old	New	Description	Effective Date
			<p>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:</p> <p>(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</p> <p>(2) Information on an unfounded report of child abuse if the certified medical practitioner made the report as a mandated reporter under section 6311</p> <p>(3) If accepted for services, any service provided, arranged for or to be provided by the county agency</p>		
<p>Reports to Governor and General Assembly</p>	<p>§ 6347 of Title 23 AMENDED (a) by Act 29 of 2014 and (b) by Act 45 of 2014</p>	<p>(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:</p> <p>(1) The number of referrals</p>	<p>(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:</p> <p>(1) The number of referrals received and referrals accepted</p>	<ul style="list-style-type: none"> Amended to include reports of general protective services 	<p>Act 29 of 2014 effective 12/31/14</p> <p>Act 45 of 2014 effective 12/31/14</p>

Comparison Chart: Investigations and Assessments
Gathering and Accessing Information

Issue	Code	Old	New	Description	Effective Date
		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	(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		

Comparison Chart: Investigations and Assessments
Assessing and Ensuring Safety

Issue	Code	Old	New	Description	Effective Date
Definitions	§ 6303	--	--	<ul style="list-style-type: none"> Please see Comparison Chart: Definitions 	--
Exclusions from child abuse	<p>§ 6303(b) (2) and (3) DELETED by Act 108 of 2013</p> <p>§6304 of Title 23 ADDED by Act 108 of 2013</p>	<p>(2) No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.</p> <p>(3) If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. The county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health. In cases involving religious circumstances, all correspondence with a subject of the report and the records of the Department of Public Welfare and the county agency shall not reference "child abuse" and shall acknowledge the</p>	<p>(a) Environmental factors.--No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors, such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides. This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.</p> <p>(b) Practice of religious beliefs.--If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative within the third degree of consanguinity and with whom the child resides, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. In such cases the following shall apply:</p> <p>(1) The county agency shall closely monitor the child and the child's family and shall seek court-ordered medical intervention when the lack of</p>	<ul style="list-style-type: none"> Clarified previous exclusions for : <ul style="list-style-type: none"> Environmental factors do not pertain to any person or entity defined under child care service except an adoptive parent The practice of religious beliefs only applies to caregivers within the third degree of consanguinity and with whom the child resides The practice of religious beliefs does not apply if the failure to provide needed medical care causes death Added new exclusions to include: <ul style="list-style-type: none"> The use of force for supervision, control and safety purposes applies to parents or person's responsible for the child welfare (including child care service staff) as long as: <ul style="list-style-type: none"> The use of force is reasonable and constitutes incidental or minor contact with the child to maintain order and control The use of force is necessary to: <ul style="list-style-type: none"> Quell a disturbance To remove a child from a disturbance that threatened physical injury to person or damage to property To prevent the child from self- 	Act 108 of 2013 effective 12/31/14

Comparison Chart: Investigations and Assessments Assessing and Ensuring Safety

Issue	Code	Old	New	Description	Effective Date
		<p>religious basis for the child's condition, and the family shall be referred for general protective services, if appropriate.</p>	<p>medical or surgical care threatens the child's life or long-term health.</p> <p>(2) All correspondence with a subject of the report and the records of the department and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.</p> <p>(3) The family shall be referred for general protective services, if appropriate.</p> <p>(4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.</p> <p>(5) This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.</p> <p>(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:</p> <p>(1) The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are</p>	<p>inflicted physical harm</p> <ul style="list-style-type: none"> • For self-defense or the defense of another person; or • To obtain possession of weapons, dangerous objects, controlled substances or paraphernalia on the child or within their control <ul style="list-style-type: none"> ○ Exclusion for physical contact that occurs during participation in sports or extracurricular activities ○ Harm or injury to a child that results from the act of another child is not considered child abuse and need not be reported to ChildLine unless: <ul style="list-style-type: none"> ▪ The child who caused the injury is a perpetrator; or ▪ The following sexual offenses were committed: rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault and indecent exposure ○ No child shall be considered a perpetrator as a result of physical or mental injuries caused during the course of a dispute, fight or scuffle entered into by mutual consent ○ Excludes the use of reasonable force for self-defense or defense of another individual 	

Comparison Chart: Investigations and Assessments
Assessing and Ensuring Safety

Issue	Code	Old	New	Description	Effective Date
			<p>designed to maintain order and control.</p> <p>(2) The use of reasonable force is necessary:</p> <ul style="list-style-type: none"> (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 <p>(d) Rights of parents.--Nothing in this chapter shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control and discipline of their children. Such reasonable force shall not constitute child abuse.</p> <p>(e) Participation in events that involve physical contact with child.--An individual participating in a practice or competition in an interscholastic sport,</p>		

Comparison Chart: Investigations and Assessments
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Issue	Code	Old	New	Description	Effective Date
			<p>physical education, a recreational activity or an extracurricular activity that involves physical contact with a child does not, in itself, constitute contact that is subject to the reporting requirements of this chapter.</p> <p>(f) Child-on-child contact.--</p> <p>(1) Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator</p> <p>(2) Notwithstanding paragraph (1), the following shall apply:</p> <p>(i) Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter:</p> <p>(A) rape as defined in 18 Pa.C.S. § 3121 (relating to rape)</p> <p>(B) involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)</p> <p>(C) sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault)</p> <p>(D) aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent</p>		

Comparison Chart: Investigations and Assessments
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Issue	Code	Old	New	Description	Effective Date
			<p>assault)</p> <p>(E) indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault)</p> <p>(F) indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure)</p> <p>(ii) No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight or scuffle entered into by mutual consent.</p> <p>(iii) A law enforcement official who receives a report of suspected child abuse is not required to make a report to the department under section 6334(a) (relating to disposition of complaints received), if the person allegedly responsible for the child abuse is a nonperpetrator child.</p> <p>(g) Defensive force.--Reasonable force for self-defense or the defense of another individual, consistent with the provisions of 18 Pa.C.S. §§ 505 (relating to use of force in self-protection) and 506 (relating to use of force for the protection of other persons), shall not be considered child abuse.</p>		

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Issue	Code	Old	New	Description	Effective Date
Disposition of complaints received	§ 6334 of Title 23 AMENDED by Act 29 of 2014	<p>(a) Notice to county agency.--Upon receipt of a complaint of suspected child abuse, the department shall immediately transmit orally to the appropriate county agency notice that the complaint of suspected child abuse has been received and the substance of the complaint. If the Statewide central register or the pending complaint file contains information indicating a prior report or a current investigation concerning a subject of the report, the department shall immediately notify the appropriate county agency of this fact. The appropriate county agency shall mean the agency in the county where the suspected child abuse occurred. If the residency of the subjects is a factor that requires the cooperation of more than one county agency, the department shall develop regulations to ensure the cooperation of those agencies in carrying out the requirements of this chapter.</p> <p>(b) Referral for services or investigation.- -If the complaint received does not suggest suspected child abuse but does suggest a need for social services or other services or investigation, the department shall transmit the information to the county agency or</p>	<p>(a) Receipt of reports by county agencies and law enforcement.--After ensuring the immediate safety of the child and any other child in the child's home, a county agency or law enforcement official that receives a report of suspected child abuse shall immediately notify the department of the report. If the report is an oral report by telephone, the county agency or law enforcement official shall attempt to collect as much of the information listed in section 6313(c) (relating to reporting procedure) as possible and shall submit the information to the department within 48 hours through a report in writing or by electronic technologies.</p> <p>(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:</p> <ol style="list-style-type: none"> (1) That a report of suspected child abuse by a perpetrator has been received (2) The substance of the report (3) The existence in the Statewide database of a prior report or a current 	<ul style="list-style-type: none"> • Required, after ensuring the immediate safety of children, the county agency or law enforcement official that receives a report of suspected child abuse to immediately notify the department of the report <ul style="list-style-type: none"> ○ If the report is an oral report by telephone, the county agency or law enforcement official must: <ul style="list-style-type: none"> ▪ Attempt to collect as much of the information listed in section 6313(c) (relating to reporting procedure) as possible ▪ Submit the information to the department within 48 hours • Required the department upon receipt of a report of suspected child abuse that also alleges that a criminal offense has been committed against the child, to: <ul style="list-style-type: none"> ○ 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 information in confidential reports): <ul style="list-style-type: none"> ▪ That a report of suspected child abuse has been received 	Act 29 of 2014 effective 12/31/14

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		<p>other public agency for appropriate action. The information shall not be considered a child abuse report unless the agency to which the information was referred has reasonable cause to suspect after investigation that abuse occurred. If the agency has reasonable cause to suspect that abuse occurred, the agency shall notify the department, and the initial complaint shall be considered to have been a child abuse report.</p> <p>(c) Recording in pending complaint file.-- Upon receipt of a complaint of suspected child abuse, the department shall maintain a record of the complaint of suspected child abuse in the pending complaint file. 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 report file under section 6331 (relating to establishment of pending complaint file, Statewide central register and file of unfounded reports).</p> <p>(d) Incidents occurring outside of this Commonwealth.— (1) A report of suspected child abuse occurring in another state where the child victim is identified</p>	<p>investigation or assessment concerning a subject of the report</p> <p>(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 information in confidential reports):</p> <p>(1) That a report of suspected child abuse has been received (2) The substance of the report (3) The existence in the Statewide database under section 6331 (relating to establishment of Statewide database) of a prior report or a current investigation or assessment concerning a subject of the report</p> <p>(d) Notice of joint referrals.--When a report is referred to the county agency under subsection (b) and is also referred to a law enforcement official under</p>	<ul style="list-style-type: none"> ▪ The substance of the report ▪ The existence in the Statewide database under section 6331 (relating to establishment of Statewide database) of a prior report or a current investigation or assessment concerning a subject of the report <ul style="list-style-type: none"> • When a report is referred to the county agency and is also referred to a law enforcement official, the notice must include information as to the name and contact information of any persons receiving the referral, if known • The department must develop procedures to ensure the cooperation of more than one agency if the residency of any subject of a report necessitates such cooperation • The department must maintain a record of complaints of suspected child abuse in the Statewide database • 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 will be referred to the county agency where the alleged perpetrator resides. The county agency must do all of the following: <ul style="list-style-type: none"> ○ Notify the children and youth social service agency of the jurisdiction in 	

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		<p>as a resident of this Commonwealth and the other state child protective services agency cannot investigate the report because of statutory or policy limitations shall be assigned as a general protective services report to the county of the child's residence or as determined by the department.</p> <p>(2) In addition to complying with the other requirements of this chapter and applicable regulations, a copy of the report shall be provided to the other state's child protective services agency and, when applicable under Pennsylvania law, to law enforcement officials where the incident occurred.</p> <p>(3) Reports and information under this subsection shall be provided within seven calendar days of completion of the general protective services assessment under section 6375 (relating to county agency requirements for general protective services).</p>	<p>subsection (c), the notice shall include information as to the name and contact information of any persons receiving the referral, if known.</p> <p>(e) Jurisdictional overlap.--If the residency of any subject of a report is a factor that requires the cooperation of more than one county agency, the department shall develop procedures to ensure the cooperation of those agencies in carrying out the requirements of this chapter.</p> <p>(f) Referral for services or investigation.--If the report received does not suggest a need for protective services but does suggest a need for social services or other services or investigation, the department shall transmit the information to the county agency or other public agency for appropriate action. The information shall not be considered a child abuse report unless the agency to which the information was referred has reasonable cause to suspect after investigation that abuse occurred. If the agency has reasonable cause to suspect that abuse occurred, the agency shall notify the department, and the initial report shall be considered to have been a child abuse report.</p> <p>(g) Recording of pending reports.--Upon</p>	<p>which the suspected child abuse occurred</p> <ul style="list-style-type: none"> ○ If requested by the other agency, assist in investigating the suspected child abuse <p>A report of suspected child abuse occurring in another state where only the victim child resides in this Commonwealth and where the other state's child protective services agency cannot or will not investigate the report will be assigned as a general protective services report to the county agency where the child resides</p>	

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Issue	Code	Old	New	Description	Effective Date
			<p>receipt of a report of suspected child abuse, the department shall maintain a record of the complaint of suspected child abuse in the Statewide database. 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 under section 6331.</p> <p>(h) Child abuse in another state 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 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 child protective services agency cannot or will not investigate the report.</p> <p>(i) Child abuse in another state 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</p>		

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Issue	Code	Old	New	Description	Effective Date
			<p>perpetrator resides. The county agency shall do all of the following:</p> <ul style="list-style-type: none"> (1) Notify the children and youth social service agency of the jurisdiction in which the suspected child abuse occurred (2) If requested by the other agency, assist in investigating the suspected child abuse (j) Child abuse in another state where only the victim child is a resident of this Commonwealth.--A report of suspected child abuse occurring in another state where only the victim child resides in this Commonwealth and where the other state'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 child protective services agency and, if appropriate, to law enforcement officials where the incident occurred. (l) Communication.--Reports and information under subsections (h), (i) and (j) shall be provided within seven calendar days of completion of the 		

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Issue	Code	Old	New	Description	Effective Date
			investigation.		
Responsibility for investigation	§ 6334.1 of Title 23 ADDED by Act 29 of 2014	NA	<p>The department shall establish procedures regarding the following different responses to address suspected child abuse and protective services depending on the person's allegedly committing the suspected child abuse or causing a child to be in need of protective services:</p> <p>(1) If the suspected child abuse is alleged to have been committed by a perpetrator, the appropriate county agency shall investigate the allegation as provided in this chapter.</p> <p>(2) If the suspected child abuse is alleged to have been committed by a perpetrator and the behavior constituting the suspected child abuse may include a violation of a criminal offense, the appropriate county agency and law enforcement officials shall jointly investigate the allegation through the investigative team established in section 6365(c) (relating to services for prevention, investigation and treatment of child abuse) and as provided in this chapter.</p> <p>(3) If the suspected child abuse is alleged to have been committed by a person who is not a perpetrator and the behavior constituting the suspected</p>	<ul style="list-style-type: none"> • Required the department to establish under which circumstances the county agency, law enforcement, or both agencies jointly are responsible for investigating suspected child abuse or referrals for protective services based on the individual allegedly committing the act: <ul style="list-style-type: none"> ○ If the suspected child abuse is alleged to have been committed by a perpetrator, the appropriate county agency must investigate the allegation ○ If the suspected child abuse is alleged to have been committed by a perpetrator and the behavior constituting the suspected child abuse may include a violation of a criminal offense, the appropriate county agency and law enforcement officials must jointly investigate the allegation through the investigative team ○ If the suspected child abuse is alleged to have been committed by a person who is not a perpetrator and the behavior constituting the suspected child abuse may include a violation of a criminal offense, law enforcement officials where the suspected child abuse is alleged to have occurred will be solely responsible for investigating 	Act 29 of 2014 effective 12/31/14

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			<p>child abuse may include a violation of a criminal offense, law enforcement officials where the suspected child abuse is alleged to have occurred shall be solely responsible for investigating the allegation.</p> <p>(4) If a child is alleged to be in need of other protective services, the appropriate county agency shall assess the needs of the child as provided in this chapter.</p>	<p>the allegation</p> <ul style="list-style-type: none"> ○ If a child is alleged to be in need of other protective services, the appropriate county agency must assess the needs of the child. 	
<p>Confidentiality of reports</p>	<p>§ 6339 of Title 23 is NOT CHANGED</p>	<p>Except as otherwise provided in this subchapter, reports made pursuant to this chapter, including, but not limited to, report summaries of child abuse and written reports made pursuant to section 6313(b) and (c) (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.</p> <p>Suspension by Court Rule. Section 6339 was suspended by Pennsylvania Rule of Juvenile Court Procedure No. 1800(9), adopted August 21, 2006, insofar as it is inconsistent with Rule 1340(B)(1)(e), which provides for the disclosure of</p>	<p><Same as old law></p>	<ul style="list-style-type: none"> • No change 	<p>NA</p>

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		reports if the reports are going to be used as evidence in a hearing to prove dependency of a child.			
<p>Release of information in confidential reports</p>	<p>§ 6340 (a)(13) and (c) of Title 23 AMENDED by Act 107 of 2013 and Act 29 of 2014</p>	<p>(a) General rule.--Reports specified in section 6339 (relating to confidentiality of reports) shall only be made available to:</p> <p>(13) Persons required to make reports under Subchapter C.1 (relating to students in public and private schools). Information under this paragraph shall be limited to the final status of the report following the investigation as to whether the report is indicated, founded or unfounded.</p> <p>(c) Protecting identity of person making report.--Except for reports pursuant to subsection (a)(9) and (10), the release of data that would identify the person who made a report of suspected child abuse or the person who cooperated in a subsequent investigation is prohibited unless the secretary finds that the release will not be detrimental to the safety of that person. Law enforcement officials shall treat all reporting sources as confidential informants.</p>	<p>(a) General rule.--Reports specified in section 6339 (relating to confidentiality of reports) shall only be made available to:</p> <p>(13) School administrators and child care service employers, as provided under this paragraph. The following shall apply:</p> <p>(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 and the final status of the report following the investigation as to whether the report is indicated, founded or unfounded.</p> <p>(ii) Information disclosed pursuant to this paragraph shall be provided to the school administrator or child-care service employer within ten days of the completion of the investigation.</p> <p>(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</p>	<ul style="list-style-type: none"> • Amended to align language with other statutory amendments and language (e.g. statewide database, multidisciplinary investigative teams, and expunctions) • Added requirement that the department to notify school administrators and child care service employers of the following: <ul style="list-style-type: none"> ○ A pending allegation (if the perpetrator is a school employee or child care service employee) and the final status of the report following the investigation (whether the report is indicated, founded or unfounded) ○ This information must be provided to the school administrator or child care service employer within 10 days of the completion of the investigation ○ 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 10 days of the completion of the investigation • Permitted release of data that would identify the person who made a report of suspected child abuse if law enforcement is investigating allegations of false reports of child abuse 	<p>Act 107 of 2013 effective 1/1/2014</p> <p>Act 29 of 2014 effective 12/31/2014</p>

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			<p style="text-align: center;">of the investigation.</p> <p>(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 that would identify the person who made a report of suspected child abuse or who cooperated in a subsequent investigation is prohibited unless the department finds that the release will not be detrimental to the safety of the person. Law enforcement officials shall treat all reporting sources as confidential informants.</p>		
<p>Investigating performance of county agency</p>	<p>§ 6343 (c)(3) of Title 23 AMENDED by Act 44 of 2014</p>	<p>(c) Department reviews and reports of child fatalities and near fatalities.-- (3) Prior to completing its report, the department may release the following information to the public concerning a child who died or nearly died as a result of suspected or substantiated child abuse: (i) The identity of the child (ii) If the child was in the custody of a public or private agency, the identity of the agency (iii) The identity of the public or private agency under contract with a county agency to provide services to the child and the</p>	<p>(c) Department reviews and reports of child fatalities and near fatalities.-- (3) Prior to completing its report, the department may release the following information to the public concerning a child who died or nearly died as a result of suspected or substantiated child abuse: (i) The identity of the child, only in the case of a child's fatality. (ii) If the child was in the custody of a public or private agency, the identity of the agency. (iii) The identity of the public or private agency under contract with a county agency to provide</p>	<ul style="list-style-type: none"> Revised to permit the department to release of the identity of the child only in the case of a child's fatality prior to completing the child fatality or near fatality report 	<p>Act 44 of 2014 effective 12/31/14</p>

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		<p>child's family in the child's home prior to the child's death or near fatality</p> <p>(iv) A description of services provided under subparagraph (iii).</p> <p>(v) The identity of the county agency that convened a child fatality or near fatality review team with respect to the child</p>	<p>services to the child and the child's family in the child's home prior to the child's death or near fatality.</p> <p>(iv) A description of services provided under subparagraph (iii).</p> <p>(v) The identity of the county agency that convened a child fatality or near fatality review team with respect to the child.</p>		
<p>Volunteers having contact with children</p>	<p>§ 6344.2 (b) of Title 23 AMENDED by Act 45 of 2014 and by Act 15 of 2015</p>	<p>(b) Investigation.--Employers, administrators or supervisors shall require an applicant to submit to all requirements set forth in section 6344(b) (relating to information relating to prospective child-care personnel). An employer, administrator, supervisor or other person responsible for employment decisions regarding an applicable prospective employee under this section that intentionally fails to require the submissions before hiring that individual commits a misdemeanor of the third degree.</p>	<p>(b) Investigation.--Employers, administrators or supervisors or other persons responsible for selection of volunteers shall require an applicant to submit to all requirements set forth in section 6344(b) (relating to employees having contact with children; adoptive and foster parents) except as provided in subsection (b.1). An employer, administrator, supervisor or other person responsible for selection of volunteers regarding an applicable prospective volunteer under this section that intentionally fails to require the submissions before approving that individual commits a misdemeanor of the third degree.</p> <p>(b.1) Exception.—</p> <p>(1) A person responsible for the selection of volunteers under this chapter shall require an applicable</p>	<ul style="list-style-type: none"> Required persons responsible for employment decisions or selection of volunteers to review background checks 	<p>Act 45 of 2014 effective 12/31/14</p> <p>Act 15 of 2015 effective 7/1/2015</p>

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			<p>prospective volunteer prior to the commencement of service to submit only the information under section 6344(b)(1) and (2), if the following apply:</p> <ul style="list-style-type: none"> (i) The position the prospective volunteer is applying for is unpaid. (ii) The prospective volunteer has been a resident of this Commonwealth during the entirety of the previous 10-year period or, if not a resident of this Commonwealth during the entirety of the previous 10-year period, has received certification under section 6344(b)(3) at any time since establishing residency in this Commonwealth and provides a copy of the certification to the person responsible for the selection of volunteers. (iii) The prospective volunteer swears or affirms in writing that the prospective volunteer is not disqualified from service pursuant to section 6344(c) or has not been convicted of an offense similar in nature to those crimes listed in section 6344(c) under the laws or former laws of the United States or one of its territories or 		

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			<p>possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.</p> <p>(2) If the information obtained pursuant to section 6344(b) reveals that the prospective volunteer applicant is disqualified from service pursuant to section 6344(c), the applicant shall not be approved for service.</p> <p>(3) If all of the following apply, an individual shall not be required to obtain the certifications required under subsection (b):</p> <ul style="list-style-type: none"> (i) The individual is currently enrolled in a school. (ii) The individual is not a person responsible for the child's welfare. (iii) The individual is volunteering for an event that occurs on school grounds. (iv) The event is sponsored by the school in which the individual is enrolled as a student. (v) The event is not for children who are in the care of a child-care service. <p>(c) Grounds for denial.--Each prospective volunteer shall be subject to the requirements of section 6344(c).</p>		

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Cooperation of other agencies	§ 6346 (b) of Title 23 AMENDED by Act 29 of 2014 and Act 45 of 2014	(b) Willful failure to cooperate.--Any agency, school district or facility or any person acting on behalf of an agency, school district or facility that violates this section by willfully failing to cooperate with the department or a county agency when investigating a report of suspected child abuse or a report under Subchapter C.1 (relating to students in public and private schools) or when assessing risk to a child commits a summary offense for a first violation and a misdemeanor of the third degree for subsequent violations.	(b) Willful failure to cooperate.--Any agency, school or facility or any person acting on behalf of an agency, school or facility that violates this section by willfully failing to cooperate with the department or a county agency when investigating a report of suspected child abuse or when assessing safety or risk to a child commits a misdemeanor of the third degree for a first violation and a misdemeanor of the second degree for subsequent violations.	<ul style="list-style-type: none"> Increased penalties for willful failure to cooperate with the department or a county agency when investigating a report of suspected child abuse to a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for subsequent violation 	Act 29 of 2014 effective 12/31/14 Act 45 of 2014 effective 12/31/14
Investigation	§ 6353.1 of Title 23 REPEALED by Act 45 of 2014	(a) General rule.--Upon receipt of a report under section 6353...	NA	<ul style="list-style-type: none"> Repealed § 6353.1 relating to cooperating with law enforcement officials in investigations 	Act 45 of 2014 effective 12/31/14
Responsibilities of county agency	§ 6353.2 of Title 23 REPEALED by Act 45 of 2014	(a) Information for the pending complaint file...	NA	<ul style="list-style-type: none"> Repealed § 6353.2 relating to responsibilities of a county agency 	Act 45 of 2014 effective 12/31/14
Services for prevention, investigation and treatment of child abuse	§ 6365(b) of Title 23 AMENDED by Act 123 of 2013	(b) Multidisciplinary team.--The county agency shall make available among its services a multidisciplinary team for the prevention, investigation and treatment of child abuse and shall convene the multidisciplinary team at any time, but not less than annually: (1) To review substantiated cases of child abuse, including responses by	(b) Multidisciplinary review team.--The county agency shall make available among its services a multidisciplinary review team for the prevention, investigation and treatment of child abuse and shall convene the multidisciplinary review team at any time, but not less than annually: (1) To review substantiated cases of	<ul style="list-style-type: none"> Changed Multidisciplinary Teams to Multidisciplinary Review Teams Changed Investigative Teams to Multidisciplinary Investigative Teams Emphasized that multidisciplinary investigative teams shall be used to coordinate child abuse investigations between county agencies and law enforcement 	Act 123 of 2013 effective 3/18/14

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		<p>the county agency and other agencies providing services to the child.</p> <p>(2) Where appropriate to assist in the development of a family service plan for the child.</p> <p>(c) Investigative team.--The county agency and the district attorney shall develop a protocol for the convening of investigative teams for any case of child abuse involving crimes against children which are set forth in section 6340(a)(9) and (10) (relating to release of information in confidential reports). The county 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 an investigative team in accordance with the protocol. The 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</p>	<p>child abuse, including responses by the county agency and other agencies providing services to the child.</p> <p>(2) Where appropriate to assist in the development of a family service plan for the child.</p> <p>(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 information in confidential 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</p>	<ul style="list-style-type: none"> • Maintained requirement for the county and the district attorney to develop a protocol for the convening of the multidisciplinary investigative team. The protocol must include standards and procedures: <ul style="list-style-type: none"> ○ For receiving and referring reports and coordinating investigations and for sharing information from interviews ○ To avoid duplication of fact finding efforts and interviews to minimize trauma to a child • Maintained the requirement that the district attorney convene the team consistent with the protocol which consists of: <ul style="list-style-type: none"> ○ Individuals and agencies responsible for investigating the abuse or providing services to the child; and ○ At a minimum a healthcare provider, county caseworker and law enforcement official 	

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		minimum include a health care provider, county caseworker and law enforcement official.	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.		
Release by county agency	§ 6365(d.1) of Title 23 ADDED by Act 44 of 2014	NA	Prior to completing its child fatality or near fatality report, the investigating county agency may release the following information to the public concerning a child who died or nearly died as a result of suspected or substantiated child abuse: (1) The identity of the child, only in the case of a child's fatality. (2) If the child was in the custody of a public or private agency, the identity of the agency. (3) The identity of the public or private agency under contract with a county agency to provide services to the child and the child's family in the child's home prior to the child's death or near fatality. (4) A description of services provided under paragraph (3).	<ul style="list-style-type: none"> Added provision permitting the county agency to release the identity of the child only in the case of the child's fatality, prior to completing a child fatality or near fatality report 	Act 44 of 2014 effective 12/31/14
Investigation of reports	§ 6368 of Title 23 AMENDED by Act 123 of 2013 and	(a) General rule.--Upon receipt of each report of suspected child abuse, the county agency shall immediately	a) Response to direct reports.--Upon receipt of a report of suspected child abuse by a perpetrator from an	<ul style="list-style-type: none"> Act 123 amended (b), (c), (d), (k), (l), (m), and (n) of this section: Reorganized for clarity and to conform to 	Act 123 of 2013 effective

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	<p>ADDED by Act 108 of 2013</p>	<p>commence an appropriate investigation and see the child immediately if emergency protective custody is required or has been or shall be taken or if it cannot be determined from the report whether emergency protective custody is needed. Otherwise, the county agency shall commence an appropriate investigation and see the child within 24 hours of receipt of the report. The investigation shall include a determination of the risk of harm to the child or children if they continue to remain in the existing home environment, as well as a determination of the nature, extent and cause of any condition enumerated in the report, any action necessary to provide for the safety of the child or children and the taking of photographic identification of the child or children to be maintained with the file. During the investigation, the county agency shall provide or arrange for services necessary to protect the child while the agency is making a determination pursuant to this section. If the investigation indicates serious physical injury, a medical examination shall be performed on the subject child by a certified medical practitioner. Where there is reasonable cause to</p>	<p>individual, the county agency shall ensure the safety of the child and any other child in the child's home and immediately contact the department in accordance with the provisions of section 6334 (relating to disposition of complaints received).</p> <p>(b) Response to reports referred to county agency by department.--Upon receipt of a report of suspected child abuse from the department, the county agency shall immediately commence an investigation and see the child within the following time frames:</p> <p>(1) Immediately, if:</p> <p style="padding-left: 20px;">(i) emergency protective custody is required, has been or will be taken; or</p> <p style="padding-left: 20px;">(ii) it cannot be determined from the report whether emergency protective custody is needed.</p> <p>(2) Within 24 hours of receipt of the report in all other cases.</p> <p>(c) Investigation.--An investigation under this section shall include the following:</p> <p>(1) A determination of the safety of or risk of harm to the child or any other child if each child continues to remain in the existing home environment.</p> <p>(2) A determination of the nature, extent and cause of any condition</p>	<p>other amendments including:</p> <ul style="list-style-type: none"> ○ Clarifying that if the child has experienced bodily injury that the county may require a medical examination by a certified medical practitioner ○ Requiring the investigation to include interviews with all subjects of the report, including the alleged perpetrator and if a subject is not interviewed or cannot be located that the agency must document its efforts to interview the subject and the reason it could not ○ The county agency's responsibility of providing for the safety of the child of a report OR any other child in the child's household ○ Specifically state prior to the interview that the subject, excluding the alleged victim, has the right to have an attorney present during the interview ○ Expanding the development and approval of a plan of supervision or alternate arrangement for an individual under investigation to include school employees who are alleged to be perpetrators of child abuse, including independent contractors <ul style="list-style-type: none"> ▪ If a complaint of suspected abuse cannot be investigated under this 	<p>3/18/14</p> <p>Act 108 of 2013 effective 12/31/14</p>

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		<p>suspect there is a history of prior or current abuse, the medical practitioner has the authority to arrange for further medical tests or the county agency has the authority to request further medical tests. The investigation shall include communication with the department's service under section 6332 (relating to establishment of Statewide toll-free telephone number). Prior to interviewing a subject of the report, the county agency shall orally notify the subject who is about to be interviewed of the existence of the report, the subject's rights under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338 (relating to other basic rights) and the subject's rights pursuant to this chapter in regard to amendment or expungement. Within 72 hours following oral notification to the subject, the county agency shall give written notice to the subject. The notice may be reasonably delayed if notification is likely to threaten the safety of the victim, a nonperpetrator subject or the investigating county agency worker, to cause the perpetrator to abscond or to significantly interfere with the conduct of a criminal investigation. However, the written notice must be provided to all</p>	<p>listed in the report. (3) Any action necessary to provide for the safety of the child or any other child in the child's household. (4) The taking of photographic identification of the child or any other child in the child's household, which shall be maintained in the case file. (5) Communication with the department's service under section 6332 (relating to establishment of Statewide toll-free telephone number). (d) Investigative actions.--During the investigation, all of the following shall apply: (1) The county agency shall provide or arrange for services necessary to protect the child while the agency is making a determination under this section. (2) If the investigation indicates bodily injury, the county agency may require that a medical examination by a certified medical practitioner be performed on the child. (3) Where there is reasonable cause to suspect that there is a history of prior or current abuse, the medical practitioner has the authority to arrange for further medical tests or</p>	<p>chapter because the person accused of the abuse is not a perpetrator within the new definition, but does suggest the need for investigation, the county must immediately transmit the information to the appropriate law enforcement officials in accordance with the county protocols for multidisciplinary investigative teams</p> <ul style="list-style-type: none"> • Subsection (e) was added. A final determination that a report of suspected child abuse is indicated must be approved by: <ul style="list-style-type: none"> ○ The county agency administrator or a designee and reviewed by a county agency solicitor (when the county agency is investigating) ○ The Secretary or a designee and reviewed by legal counsel for the department (when the department is investigating) • Subsection (f) was added to specify at the conclusion of the child abuse investigation: <ul style="list-style-type: none"> ○ The county agency must immediately provide the results of its investigation to the department ○ The department has three business days after receipt of the results of an investigation to send notice to the 	

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		<p>subjects prior to the county agency's reaching a finding on the validity of the report.</p> <p>(a.1) Investigation of report concerning child-care service personnel.--Upon notification that an investigation involves suspected child abuse perpetrated by child-care service personnel, including a child-care service employee, service provider or administrator, the respective child-care service must immediately implement a plan of supervision or alternative arrangement subject to the county agency's approval for the individual under investigation to ensure the safety of the child and other children who are in the care of the child-care service. Such plan of supervision or alternative arrangement shall be kept on file with the county agency until such time that the investigation is completed.</p> <p>(b) Conditions outside home environment.--The investigation shall determine whether the child is being harmed by factors beyond the control of the parent or other person responsible for the welfare of the child, and, if so determined, the county agency shall promptly take all available steps to remedy and correct these conditions,</p>	<p>the county agency has the authority to request further medical tests.</p> <p>(4) The investigation shall include interviews with all subjects of the report, including the alleged perpetrator. If a subject of the report is not able to be interviewed or cannot be located, the county agency shall document its reasonable efforts to interview the subject and the reasons for its inability to interview the subject. The interview may be reasonably delayed if notice of the investigation has been delayed pursuant to subsection (m).</p> <p>(e) Review of indicated reports.--A final determination that a report of suspected child abuse is indicated shall be approved by:</p> <p>(1) the county agency administrator or a designee and reviewed by a county agency solicitor, when the county agency is investigating; or</p> <p>(2) the secretary or a designee and reviewed by legal counsel for the department, when the department is investigating.</p> <p>(f) Final determination.--Immediately upon conclusion of the child abuse investigation, the county agency shall provide the results of its investigation to</p>	<p>subjects of the report, other than the abused child, including the following information:</p> <ul style="list-style-type: none"> ▪ The status of the report ▪ The perpetrator's right to request the secretary to amend or expunge the report. The right of the subjects of the reports to services from the county agency ▪ The effect of the report upon future employment opportunities involving children ▪ 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, if the perpetrator's Social Security number or date of birth are known ▪ The perpetrator's right to file an appeal of an indicated finding of abuse pursuant to section 6341 within 90 days of the date of notice ▪ The perpetrator's right to a fair hearing on the merits on an appeal of an indicated report ▪ The burden on the investigative agency to prove its case by substantia evidence in an appeal 	

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		<p>including, but not limited to, the coordination of social services for the child and the family, or referral of the family to appropriate agencies for the provision of services.</p> <p>(c) Completion of investigations.--The investigation by the county agency to determine whether the report is "founded," "indicated" or "unfounded" and whether to accept the family for service shall be completed within 60 days in all cases. If, due to the particular circumstances of the case, the county agency cannot complete the investigation within 30 days, the particular reasons for the delay shall be described in the child protective service record and available to the department for purposes of determining whether the county agency has strictly followed the provisions of this chapter and whether the county agency is subject to action as authorized by section 6343 (relating to investigating performance of county agency). Where a petition has been filed under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) alleging that the child is a dependent child, the county agency shall make all reasonable efforts to complete the investigation to enable the hearing on the petition to be</p>	<p>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. The determination shall include the following information:</p> <ol style="list-style-type: none"> (1) The status of the report. (2) The perpetrator's right to request the secretary to amend or expunge the report. (3) The right of the subjects of the report to services from the county agency. (4) The effect of the report upon future employment opportunities involving children. (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, if the perpetrator's Social Security number or date of birth are known. (6) The perpetrator's right to file an appeal of an indicated finding of abuse pursuant to section 6341 (relating to amendment or expunction of information) within 90 days of the 	<p style="text-align: center;">of an indicated report</p> <ul style="list-style-type: none"> • Added subsection (f) to clarify that "notice" under subsection (f) constitutes: <ul style="list-style-type: none"> ○ Mailing of the final determination to the recipient's last known address ○ The determination is presumed received when not returned undeliverable ○ If the determination is returned undeliverable, the entry in the statewide database 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 • Added subsection (h) to require the department, within three business days of the receipt of the results of the investigation, to notify mandated reporters of the status determination and the services planned or provided to protect the child 	

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		<p>held as required by 42 Pa.C.S. § 6335 (relating to release or holding of hearing). (d) Referral for investigation.--If the complaint of suspected abuse is determined to be one which cannot be investigated under this chapter because the person accused of the abuse is not a perpetrator within the meaning of section 6303 (relating to definitions) but does suggest the need for investigation, the county agency shall immediately transmit the information to the appropriate authorities, including the district attorney, the district attorney's designee or other law enforcement official, in accordance with the county protocols for investigative teams required by section 6365(c) (relating to services for prevention, investigation and treatment of child abuse).</p>	<p>date of notice. (7) The perpetrator's right to a fair hearing on the merits on an appeal of an indicated report filed pursuant to section 6341. (8) The burden on the investigative agency to prove its case by substantial evidence in an appeal of an indicated report. (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 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). (h) Notice to mandated reporter.--If a report was made by a mandated reporter under section 6313 (relating to reporting procedure), the department</p>		

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			<p>shall notify the mandated reporter who made the report of suspected child abuse of all of the following within three business days of the department's receipt of the results of the investigation:</p> <ul style="list-style-type: none"> (1) Whether the child abuse report is founded, indicated or unfounded. (2) Any services provided, arranged for or to be provided by the county agency to protect the child. <p>(i) Investigation concerning a school or child-care service employee.--</p> <ul style="list-style-type: none"> (1) Upon notification that an investigation involves suspected child abuse by a school or child-care service employee, including, but not limited to, a service provider, independent contractor or administrator, the school or child-care service shall immediately implement a plan of supervision or alternative arrangement for the individual under investigation to ensure the safety of the child and other children who are in the care of the school or child-care service. (2) The plan of supervision or alternative arrangement shall be approved by the county agency and kept on file with the agency until the investigation is completed. 		

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			<p>(j) Referral for investigation.--If the complaint of suspected abuse is determined to be one that cannot be investigated under this chapter because the person accused of the abuse is not a perpetrator within the meaning of section 6303 (relating to definitions), but does suggest the need for investigation, the county agency shall immediately transmit the information to the appropriate law enforcement officials in accordance with the county protocols for multidisciplinary investigative teams required under section 6365(c) (relating to services for prevention, investigation and treatment of child abuse).</p> <p>(k) Need for social services.--If the investigation determines that the child is being harmed by factors beyond the control of the parent or other person responsible for the child's welfare, the county agency shall promptly take all steps available to remedy and correct these conditions, including the coordination of social services for the child and the family or referral of the family to appropriate agencies for the provision of services.</p> <p>(l) Notice of investigation.-- (1) Prior to interviewing a subject of a report, the county agency shall orally</p>		

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			<p>notify the subject, except for the alleged victim, who is about to be interviewed of the following information:</p> <ul style="list-style-type: none"> (i) The existence of the report. (ii) The subject's rights under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338 (relating to other basic rights). (iii) The subject's rights pursuant to this chapter in regard to amendment or expungement. (iv) The subject's right to have an attorney present during the interview. <p>(2) Written notice shall be given to the subject within 72 hours following oral notification, unless delayed as provided in subsection (m).</p> <p>(m) Delay of notification.--The notice under subsection (l)(2) may be reasonably delayed, subject to the following:</p> <ul style="list-style-type: none"> (1) If the notification is likely to: <ul style="list-style-type: none"> (i) threaten the safety of a victim, a subject of the report who is not a perpetrator or the investigating county agency worker; (ii) cause the perpetrator to abscond; or (iii) significantly interfere with the 		

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			<p style="text-align: center;">conduct of a criminal investigation.</p> <p>(2) The written notice shall be provided to all subjects of the report prior to the county agency reaching a finding on the validity of the report.</p> <p>(n) Completion of investigation.-- Investigations shall be completed in accordance with the following:</p> <p>(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.</p> <p>(2) If, due to the particular circumstances of the case, the county agency cannot complete the investigation within 30 days, the particular reasons for the delay shall be described in the child protective service record and made available to the department for purposes of determining whether either of the following occurred:</p> <p style="padding-left: 20px;">(i) The county agency strictly followed the provisions of this chapter.</p> <p style="padding-left: 20px;">(ii) The county agency is subject to action as authorized under section 6343 (relating to investigating performance of county agency).</p>		

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Issue	Code	Old	New	Description	Effective Date
			(3) Where a petition has been filed under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) alleging that a child is a dependent child, the county agency shall make all reasonable efforts to complete the investigation to enable the hearing on the petition to be held as required by 42 Pa.C.S. § 6335 (relating to release or holding of hearing).		
County agency requirements for general protective services	<p>§ 6375 (c) of Title 23 AMENDED by Act 29 of 2014</p> <p>§ 6375 (o) of Title 23 ADDED by Act 107 of 2013</p>	<p>(c) Assessment for services.--</p> <p>(1) Within 60 days of receipt of a report, an assessment shall be completed and a decision on whether to accept the family for service shall be made. The county agency shall provide or arrange for services necessary to protect the child during the assessment period.</p> <p>(2) Each county agency shall implement a State-approved risk assessment process in performance of its duties.</p>	<p>(c) Assessment for services.--</p> <p>(1) Within 60 days of receipt of a report, an assessment shall be completed and a decision on whether to accept the family for service shall be made. The county agency shall provide or arrange for services necessary to protect the child during the assessment period.</p> <p>(1.1) The county agency shall immediately notify the department upon the completion of the assessment whether the report was determined to be valid or invalid and whether the family was accepted for services or referred to community services.</p> <p>(1.2) The county agency shall immediately notify the department upon the closure of services for a child or family that has been accepted for services.</p>	<ul style="list-style-type: none"> • Required county agencies to: <ul style="list-style-type: none"> ○ Immediately notify the department upon completion of the assessment whether the report was determined to be valid or invalid and whether the family was accepted for services or referred to community services ○ Immediately notify the department upon the closure of services for a child or family that has been accepted for services • Added subsection (o) to reflect the changes to 6340 (release of information of confidential reports) 	<p>Act 29 of 2014 effective 12/31/14</p> <p>Act 107 of 2013 effective 1/1/14</p>

Comparison Chart: Investigations and Assessments
Assessing and Ensuring Safety

Issue	Code	Old	New	Description	Effective Date
			<p>(2) Each county agency shall implement a State-approved risk assessment process in performance of its duties.</p> <p>(o) Availability of information.-- Information related to reports of a child in need of general protective services shall be available to individuals and entities to the extent they are authorized to receive information under section 6340 (relating to release of information in confidential reports).</p>		
Evidence in court proceedings	§ 6381 (e) of Title 23 ADDED by Act 108 of 2013	NA	(e) Child victims and witnesses.--In addition to the provisions of this section, any consideration afforded to a child victim or witness pursuant to 42 Pa.C.S. Ch. 59 Subch. D (relating to child victims and witnesses) in any prosecution or adjudication shall be afforded to a child in child abuse proceedings in court or in any department administrative hearing pursuant to section 6341.	<ul style="list-style-type: none"> Required the same consideration afforded to a child victim or witness in any prosecution or adjudication to be afforded to a child in child abuse proceedings in court or in any department administrative hearing pursuant 	Act 108 of 2013 effective 12/31/14
Mandatory reporting of children under one year of age	§6386 of Title 23 AMENDED by Act 4 of 2014 and by Act 15 of 2015	<p><u>Mandatory reporting of infants born and identified as being affected by illegal substance abuse.</u></p> <p>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</p>	<p><u>Mandatory reporting of children under one year of age.</u></p> <p>(a) When report to be made.--A health care provider shall immediately make a report or cause a report to be made to the appropriate county agency if the provider is involved in the delivery or care of a child under one year of age who is born and identified as being affected by any of the following:</p>	<ul style="list-style-type: none"> Changed language from “infants” to “children under one year of age” Added the mandatory reporting of children under one year of age with fetal alcohol spectrum disorder Required the county agency to perform a safety and/or risk assessment to determine if services are warranted Required the county agency to: <ul style="list-style-type: none"> Immediately ensure the safety of the 	<p>Act 4 of 2014 effective 4/22/14</p> <p>Act 15 of 2015 effective 7/1/2015</p>

Comparison Chart: Investigations and Assessments
Assessing and Ensuring Safety

Issue	Code	Old	New	Description	Effective Date
		to the appropriate county agency. The county agency shall provide or arrange for appropriate services for the infant.	<p>(1) Illegal substance abuse by the child's mother</p> <p>(2) Withdrawal symptoms resulting from prenatal drug exposure unless the child's mother, during the pregnancy, was:</p> <ul style="list-style-type: none"> (i) under the care of a prescribing medical professional; and (ii) in compliance with the directions for the administration of a prescription drug as directed by the prescribing medical professional <p>(3) A Fetal Alcohol Spectrum Disorder</p> <p>(b) Safety or risk assessment.--The county agency shall perform a safety assessment or risk assessment, or both, for the child and determine whether child protective services or general protective services are warranted.</p> <p>(c) County agency duties.--Upon receipt of a report under this section, the county agency for the county where the child resides shall:</p> <p>(1) Immediately ensure the safety of the child and see the child immediately if emergency protective custody is required or has been or shall be taken or if it cannot be determined from the report whether emergency protective custody is needed.</p>	<p>child</p> <ul style="list-style-type: none"> ○ Physically see the child within 48 hours ○ Contact the parents of the child within 24 hours ○ Provide or arrange reasonable services 	

Comparison Chart: Investigations and Assessments
Assessing and Ensuring Safety

Issue	Code	Old	New	Description	Effective Date
			<p>(2) Physically see the child within 48 hours of receipt of the report.</p> <p>(3) Contact the parents of the child within 24 hours of receipt of the report.</p> <p>(4) Provide or arrange reasonable services to ensure the child is provided with proper parental care, control and supervision.</p> <p>(Nov. 9, 2006, P.L.1358, No.146, eff. 180 days; Jan. 22, 2014, P.L.6, No.4, eff. 90 days)</p>		