



## Tracking the Recommendations of the Task Force on Child Protection and Resulting Pennsylvania Legislation

Updated September 23, 2013

Definitions and/or focus area of legislation	<u><a href="#">Current Child Protective Services Law (Title 23)</a></u>	<u><a href="#">Task Force on Child Protection Recommendation</a></u> ( <b>highlighted language</b> represents change from current CPSL)	PA House Package	PA Senate Package	With Expected Amendments, Senate Aging & Youth Committee (9/24/2013)
Abuse			<u><a href="#">House Bill 432</a></u> Abuse means conduct that falls under the purview and reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child protective services) and is directed toward or against a child under eighteen years of age. <i><b>NOTE:</b> This bill outlines the requirements for child abuse recognition and reporting training for persons who work directly with children and foster parents.</i>		
Advanced communication technologies		The transfer of information in whole or in part by technology having electrical, digital, magnetic, wireless, optical, electromagnetic, photo-electronic or photo-optical systems or similar capabilities. The term includes, but is not limited to, e-mail, Internet communication or other means of electronic transmission.	<u><a href="#">House Bill 430</a></u> The transfer of information in whole or in part by technology having electrical, digital, magnetic, wireless, optical, electromagnetic, photo electronic or photo-optical systems or similar capabilities. The term includes, but is not limited to, e-mail, Internet communication or other means of electronic transmission. <i><b>NOTE:</b> The bill requires that the Department of</i>	<b>Senate Bills 21, 24 and 25</b> each cite, permit the use of advanced communication technologies, but the term is not defined.  <u><a href="#">Senate Bill 25</a></u> specifically directs the Department of Public Welfare (DPW) to “establish procedures for the secure and confidential	<b>Senate Bill 21 w/ amendment #3409</b>  Replaces advanced communication with “electronic”

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			<i>Public Welfare “establish procedures for the secure and confidential use of advanced communication technologies for the transmission of information” under the CPSL including the filing of reports of suspected child abuse and other required records and verification of information and forms. Persons making a report of suspected child abuse anonymously would still be required to file the report orally. It also would require that ChildLine should “immediately transmit” either orally or by advanced communication technologies to a county children and youth agency or to law enforcement when there is also an allegation “that a criminal offense has been committed against the child.”</i>	use of electronic technologies to transmit information under this chapter, including the filing of reports and records and the verification of records and signatures.	
<b>Bodily Injury</b>		Impairment of physical condition or substantial pain.	Impairment of physical condition or substantial pain. <a href="#">House Bill 726</a>	<a href="#">Senate Bill 20</a> includes the reference to bodily injury but it doesn't define it.	<b>Senate Bill 20 w/amendment #03399 (Washington)</b>  Impairment of physical condition or substantial pain.
<b>Certified medical practitioner</b>		A physician, osteopathic physician, physician's assistant or certified registered nurse practitioner.			
<b>Child</b>		An individual under 18 years of age.	An individual under 18 years of age. The term includes a newborn. <a href="#">House Bill 726</a>		<b>Senate Bill 20 w/amendment #03399 (Washington)</b>  An individual under 18 years of age.
<b>Child Abuse</b>	(1) The term "child abuse" shall mean any of the following: (i) Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child	(1) A reckless or intentional act against the child that has occurred within two years of the date of the report to the department or county agency and that: (i) causes bodily injury or serious bodily injury to the child; or (ii) creates a reasonable	Shall mean intentionally, knowingly or recklessly doing any of the following: (1) Causing bodily injury to a child through any recent act or failure to act. (2) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or	<a href="#">Senate Bill 20 and Senate Bill 28</a>  Except as otherwise provided in section 6304 (relating to exclusions from child abuse), any of the following with respect to a child: (1) Recklessly or	<b>Senate Bill 20 w/amendment #03399 (Washington)</b>  (b.1) Except as otherwise provided in this section any of the following with respect to

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	<p>under 18 years of age.</p> <p>(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.</p> <p>(iii) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.</p> <p>(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.</p>	<p>likelihood of bodily injury or serious bodily injury to the child.</p> <p>(2) Recklessly or intentionally engaging in any of the following conduct that has occurred within two years of the date of the report to the department or county agency:</p> <p>(i) Kicking, burning, biting, stabbing, cutting or throwing the child in a manner that may endanger the child.</p> <p>(ii) Unreasonably confining or restraining the child, based upon consideration of the method, location or the duration of the confinement or restraint.</p> <p>(iii) Forcefully shaking the child if the child is under the age of one year.</p> <p>(iv) Forcefully slapping the child if the child is under the age of one year.</p> <p>(v) Interfering with the breathing of the child.</p> <p>(vi) Causing the child to be present at a location where any of the following is occurring:</p> <p>(A) A violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory).</p> <p>(B) A felony violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetics Act.</p> <p>(viii) Operating a vehicle in</p>	<p>failures to act.</p> <p>(3) Causing sexual abuse or exploitation of a child through any act or failure to act.</p> <p>(4) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.</p> <p>(5) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.</p> <p>(6) Causing serious physical neglect of a child.</p> <p>(7) Engaging in any of the following recent acts:</p> <p>I. Kicking, biting or throwing, burning, stabbing or cutting a child in a manner that endangers the child,</p> <p>II. Unreasonably physically restraining a child, based on consideration of the method, location or the duration of restraint.</p> <p>III. Forcefully shaking a child under one year of age.</p> <p>IV. Forcefully striking a child under one year of age.</p> <p>V. Interfering with the breathing of a child.</p> <p>VI. Causing a child to be present at a location where any of the following offenses has occurred:</p> <p>A. A violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) resulting in a conviction.</p> <p>B. A felony violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetics Act, resulting in a conviction.</p> <p>C. A violation of 75 Pa.C.S. § 3802</p>	<p>intentionally acting against a child with either of the following outcomes which occurred within two years of the date of the report to the department or county agency:</p> <p>(i) Causing bodily injury or serious bodily injury to a child.</p> <p>(ii) Creating a reasonable likelihood of bodily injury or serious bodily injury to a child. The actions may include the fabrication, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child.</p> <p>(2) Recklessly or intentionally engaging in any of the following conduct that has occurred within two years of the date of the report to the department or county agency:</p> <p>(i) Kicking, burning, biting, stabbing, cutting or throwing a child in a manner that may endanger the child.</p> <p>(ii) Unreasonably confining or restraining a child, based upon the method, location or the duration of the confinement or restraint.</p> <p>(iii) Forcefully shaking a child if the child is under one</p>	<p>a child:</p> <p>(1) Knowing, recklessly or intentionally acting or failing to act against a child with either of the following outcomes which occurred within two years of the date of the report to the department or county agency:</p> <p>(i) Causing bodily injury or serious bodily injury to a child.</p> <p>(ii) Creating a reasonable likelihood of bodily injury or serious bodily injury to a child. The actions may include, but are not limited to, the fabrication, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child.</p> <p>(2) Knowingly,</p>

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		<p>which the child is a passenger while a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) is occurring.</p> <p>(ix) Leaving the child alone with an individual who is 14 years of age or older and subject to registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenses).</p> <p>(3) An act or series of acts that causes or significantly contributes to serious mental injury to the child.</p> <p>(4) A reckless or intentional act against the child that causes sexual abuse or exploitation of the child.</p> <p>(5) Causing serious physical neglect of the child.</p> <p>(6) An attempt to engage in any conduct under paragraph (1), (2), (3) or (4).</p> <p>(7) A failure to act that:</p> <p>(i) has occurred within two years of the date of the report to the department or county agency; and</p> <p>(ii) causes any harm or injury, or creates a reasonable likelihood of any harm or injury, as set forth in paragraph (1) or (2).</p> <p>(8) A failure to act that causes any harm or injury as set forth in paragraph (3) or (4).</p> <p>(9) A reckless or intentional act against the child that results in the death of the child.</p>	<p>(relating to driving under influence of alcohol or controlled substance), where the child is a passenger, resulting in a conviction.</p> <p>(8) Causing the death of the child through any act or failure to act.</p>	<p>year of age.</p> <p>(iv) Forcefully slapping a child if the child is under one year of age.</p> <p>(v) Interfering with the breathing of a child.</p> <p>(vi) Causing the child to be present at a location where any of the following is occurring:</p> <p>(A) A violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory).</p> <p>(B) A felony violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.</p> <p>(vii) Operating a vehicle in which the child is a passenger while a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) is occurring.</p> <p>(viii) Leaving a child alone with an individual who is 14 years of age or older and subject to registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).</p> <p>(3) Causing or significantly contributing, by an act or series of acts, to the serious</p>	<p>recklessly or intentionally engaging in any of the following conduct that has occurred within two years of the date of the report to the department or county agency:</p> <p>(i) Kicking, burning, biting, stabbing, cutting or throwing a child in a manner that may endanger the child.</p> <p>(ii) Unreasonably confining or restraining a child, based upon the method, location or the duration of the confinement or restraint.</p> <p>(iii) Forcefully shaking a child if the child is under one year of age.</p> <p>(iv) Forcefully slapping or striking a child if the child is under one year of age.</p> <p>(v) Interfering with the breathing of a child.</p> <p>(vi) Causing the child to be present at a location where</p>

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				<p>mental injury to a child.</p> <p>(4) Recklessly or intentionally acting to cause the sexual abuse or exploitation of a child.</p> <p>(5) Causing serious physical neglect of a child.</p> <p>(6) Attempting to engage in any conduct under paragraph (1), (2), (3) or (4).</p> <p>(7) Failing to act which:</p> <p>(i) has occurred within two years of the date of the report to the department or county agency; and</p> <p>(ii) does any of the following:</p> <p>(A) Causes bodily injury or creates a reasonable likelihood of bodily injury to a child.</p> <p>(B) Recklessly or intentionally engages in conduct under paragraph (2).</p> <p>(8) Causing harm or injury as set forth in paragraph (3) or (4) by failing to act.</p> <p>(9) Recklessly or intentionally performing an act which results in the death of a child.</p>	<p>any of the following offenses, subject to investigation by law enforcement, is occurring:</p> <p>(A) A violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory).</p> <p>(B) A felony violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.</p> <p>(vii) Operating a vehicle in which the child is a passenger while a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) is occurring.</p> <p>(viii) Leaving a child alone with an individual other than the child's parent, who has been:</p> <p>(A) Convicted of any Tier II or Tier III</p>

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					<p>sexual offense under 42 Pa. C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where any victim of such sexual offense was younger than 18 years of age when the crime was committed.</p> <p>(B) Determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any predecessor act.</p> <p>(C) Determined to be a sexually violent delinquent child under 42 PA.C.S. § 9799.12. and subject to</p> <p>(3) Knowing, recklessly, or intentionally causing or significantly contributing, by an act or series of acts or failing to act, to the serious mental injury to a child.</p> <p>(4) Knowingly, recklessly or intentionally acting</p>

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					to cause the sexual abuse or exploitation of a child. (5) Causing serious physical neglect of a child. (6) Attempting to engage in any conduct under paragraph (1), (3) or (4). (7) Knowingly, recklessly or intentionally performing an act or failing to act which results in the death of a child.
<b>Child Abuse Recognition and Reporting Training</b>	The department and each county agency shall conduct an ongoing training and education program for local staff, persons required to make reports and other appropriate persons in order to familiarize those persons with the reporting and investigative procedures for cases of suspected child abuse and the rehabilitative services that are available to children and families. In addition, the department shall, by regulation, establish	The Task Force spoke to training within the context of the Department of State and persons subject to licensure and within the Department of Education (and Act 126 of 2012).  "School employees subject to §1205.6 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall receive mandatory training on child abuse recognition and reporting. If § 1205.6 is repealed or found invalid for any reason, those school employees covered under § 1205.6 shall be subject to the education and training provisions of this chapter, as applicable. All other school employees shall be subject to the education and training provisions of this chapter, as applicable."	<a href="#">House Bill 432</a> Operators of institutions, facilities or agencies which care for children and are subject to supervision by the department under this article and their employees who have direct contact with children and foster parents shall be required to receive child abuse recognition and reporting training. The following shall apply: (1) Within six months of the effective date of this section, operators shall receive three hours of training prior to the issuance of a license or approval and three hours of training every five years thereafter. (2) Employees who have direct contact with children and foster parents shall receive three hours of training within six months of the issuance of a license or approval and three hours of training every five years thereafter. New employees and new foster parents shall receive three hours of training within ninety days of hire		

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		<p>“The Department of State shall make training and educational programs and materials available for all professional licensing boards whose licensees are charged with responsibilities for reporting child abuse under this chapter with a program of distributing educational materials to all licensees.”</p> <p>Also that the Department of Public Welfare “shall approve the training of mandated reporters and others subject to training under this chapter.”</p> <p>It also included the taking of an Oath once a person had completed training. Each individual subject to mandatory training under this chapter shall, upon completion of the training, receive a certificate from the person providing the training verifying completion of the training. The certificate shall contain the following oath at the bottom of the certificate, to be affirmed by the signature of the individual completing the training:</p> <p>“By signing this oath I declare that I understand that I have a legal and moral duty to report suspected child abuse whenever I have reasonable cause to suspect that a child is or has been a victim of child abuse. I also understand that I must complete as scheduled all required continuing education concerning my duties as a mandated reporter of child abuse. I also understand that my failure to fulfill my duty to report suspected child abuse</p>	<p>or approval as a foster parent and three hours of training every five years thereafter.</p> <p>(3) Training curriculum shall be approved by the department and shall address, but not be limited to the following:</p> <p>(i) Recognition of the signs of abuse and reporting requirements for suspected abuse in this Commonwealth.</p> <p>(ii) The facility's or agency's policies related to reporting of suspected abuse.</p> <p><a href="#">House Bill 431</a> relates to training for those licensed or certified by a licensing board to have training. Persons applying for a license or certification would have to undergo 3 hours of training, while those seeking to renew a license or certification would be subject to two hours as part of the total continuing education requirements needed for biennial renewal. The training would have to be approved by the Department of Public Welfare.</p> <p><b>NOTE:</b> <i>House Bill 432 permits that a person can be exempted from the training if they participated in a training that was approved by the PA Department of Education in consultation with the Department of Public Welfare or received it through a DPW approved training program. Also that the training “equals or exceeds” the training required in House Bill 432, which is 3 hours of training within 90 days of hire and then 3 hours or training every five years after the initial hire.</i></p>		

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		may result in my loss of licensure and may subject me to criminal penalties, including fines and imprisonment, and civil liability.”			
<b>Child Care Services</b>	Child day-care centers, group and family day-care homes, foster homes, adoptive parents, boarding homes for children, juvenile detention center services or programs for delinquent or dependent children; mental health, mental retardation, early intervention and drug and alcohol services for children; and other child-care services which are provided by or subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with these departments or a county social services agency. The term does not include such services or programs which may be offered by public and private schools, intermediate units or area vocational-technical schools.	Includes any of the following: (1) Child day-care centers. (2) Group day-care homes. (3) Family day-care homes. (4) Foster homes. (5) Adoptive parents. (6) Boarding homes for children. (7) Juvenile detention center services or programs for delinquent or dependent children (8) Mental health services for children. (9) Services for children with intellectual disabilities. (10) Early intervention services for children. (11) Drug and alcohol services for children. (12) <b>Day-care services or programs that are offered by a school.</b> (13) <b>Other comparable</b> services that are provided by or subject to approval, licensure, registration or certification by the department or a county social services agency or that are provided pursuant to a contract with the department or a county social services agency.	<a href="#">House Bill 435</a> and <a href="#">House Bill 434</a> Includes any of the following: (1) Child day-care centers. (2) Group day-care homes. (3) Family day-care homes. (4) Foster homes. (5) Adoptive parents. (6) Boarding homes for children. (7) Juvenile detention center services or programs for delinquent or dependent children (8) Mental health services for children. (9) Services for children with intellectual disabilities. (10) Early intervention services for children. (11) Drug and alcohol services for children. (12) Day-care services or programs that are offered by a school. (13) Other comparable services that are provided by or subject to approval, licensure, registration or certification by the department or a county social services agency or that are provided pursuant to a contract with the department or a county social services agency.		
<b>Child Protective Services</b>	Those services and activities provided by the Department of Public	Those services and activities provided by the department and each county agency for <b>a child in need of protective</b>			

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	Welfare and each county agency for child abuse cases.	services under any of the following circumstances: (1) The child is believed to be the victim of child abuse by a perpetrator. (2) The child is believed to be the victim of child abuse but there are multiple alleged perpetrators who may have committed the child abuse and the identity of the specific individual responsible for the child abuse cannot be ascertained. (3) The identity of any individual responsible for the injury or sexual abuse or exploitation of the child is unknown.			
<b>Child with a disability</b>				<b>Senate Bill 31</b> A child: (1) who meets the definition of child with a disability under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.); (2) who meets the definition of handicapped person under section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its implementing regulations at 34 CFR § 104.3 (relating to definitions); (3) for whom an evaluation is pending under either the Individuals with Disabilities Education Act or the Rehabilitation Act of 1973; or (4) who is not yet eligible for special education and related services as described in section 615(k)(5)(A) of the Individuals	

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				with Disabilities Education Act (20 U.S.C. § 1415 (k)(5)(A)).  "Disability." The term shall have the same meaning as the term is given in section 3 of the Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. § 12102(2)).	
<b>Children’s Advocacy Centers – dedicated funding stream</b>		The Task Force did not include specific language or designate where to generate revenue for Children’s Advocacy Centers, but did have a recommendation emphasizing support for such a funding stream.  “The Governor and the General Assembly should statutorily establish a dedicated funding source (essentially an endowment) that would (1) provide seed money for the establishment of new CACs where they are needed in order to achieve the objective of a CAC within a two-hour drive of each child in this Commonwealth and (2) provide some assistance to sustain existing CACs.”	<a href="#">House Bill 316</a> and House Bill 89 House Bill 316 would add an additional \$15 fine on persons who plead guilty, nolo contendere or are convicted of a crime ( outside of a crime involving the operation of a motor vehicle resulting in injury unless it was intentional) for the purpose of funding CACs. The revenue generated would be deposited into a special account in the state treasury administered by the PA Commission on Crime and Delinquency (PCCD). PCCD would then award grants (to existing or newly emerging CACs) in consideration of “(i) The number of children to be served. (ii) The geographical area to be serviced. (iii) The scope of the services. (iv) The need for services. (v) The availability of expert pediatric medical and mental health services. (vi) The amount of funds provided from other sources.” In the first three years after this Act would take effect, PCCD is to “endeavor” to direct 30 percent of the funding to applicants working to establish a CAC in a region not yet served by one. <a href="#">House Bill 89</a> would transfer funding from the DARE fund administered by PCCD (approximately \$400,000) so that PCCD could use the funding for CACs. <b>NOTE:</b> <i>House Bill 316 also raises additional</i>		

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			funds for rape crisis and domestic violence services. The <a href="#">House Appropriations Committee estimates</a> that the \$5 increase in an existing fine for these services will generate "\$700,000 annually in additional funds for Domestic Violence and Rape Victim Services." The \$15 new fee to fund CACs is estimated to generate \$2.2 million annually.		
<b>Cooperation with an investigation or assessment</b>	Includes, but is not limited to, a school or school district which permits authorized personnel from the Department of Public Welfare or county agency to interview a student while the student is in attendance at school.	Includes, but is not limited to, a school or school district which permits authorized personnel from the <b>department</b> or county agency to interview a student while the student is in attendance at school.		<a href="#">Senate Bill 25</a> The department shall receive from Commonwealth agencies, political subdivisions, an authorized agency, law enforcement agency or any other agency providing services under the county plan for protective services any assistance and data that will enable the department and the county agency to fulfill their responsibilities. (b) Willful failure to cooperate.-- (1) At the request of the department or county to provide all information relating to an investigation of suspected child abuse or a safety or risk assessment of a child, an individual, agency, school, hospital or health care provider shall immediately provide the information to the department or county agency. (2) No individual, except the district attorney or law enforcement, may prohibit the department or county agency from interviewing the child who is the subject of suspected child abuse. Parental consent shall not	

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				be required prior to the child's being interviewed by the department or county agency. (3) The following offenses shall apply: (i) Any person failing to timely produce the requested information under this section commits a misdemeanor of the third degree. (ii) Any person barring, inhibiting or precluding sufficient access to the subject child commits a misdemeanor of the second degree.	
<b>County Agency</b>	The county children and youth social service agency established pursuant to section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the Department of Public Welfare under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.	The county children and youth social service agency established pursuant to section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the [Department of Public Welfare] <b>department</b> under <b>Articles VII</b> and IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.			
<b>Direct contact with children</b>		While not defined the Task Force wrote, "The revisions add individuals to the list of persons who must submit to background checks before engaging in activities involving regular, direct contact with children."	<a href="#">House Bill 434</a> and <a href="#">House Bill 432</a> and <a href="#">House Bill 436</a> The possibility of care, supervision, guidance or control of children or routine interaction with children.		<b>Senate Bill 21 w/ amendment #3409 (Ward)</b>  The care, supervision, guidance or control of children, or routine interaction with children.

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<b>Disposition of initial reports</b>	<p>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.</p> <p>When oral reports of suspected child abuse are initially received at the county agency, the protective services staff shall, after seeing to the immediate safety of the child and other children in the home, immediately notify the department of the receipt of the report,</p>	<p>After ensuring the immediate safety of the child and any other child in the child's home, a county agency or law enforcement agency 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 agency shall attempt to collect as much of the information listed in § 6313(c) (relating to reporting procedure) as possible, and submit the information to the department within 48 hours through a report in writing or by advanced communication technologies.</p> <p>(b) Receipt of reports by department; referral to county agency.--The department shall immediately transmit an oral notice or a notice by advanced communication 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> <p>(1) That a complaint of suspected child abuse by a perpetrator has been received.</p> <p>(2) The substance of the complaint.</p> <p>(3) The existence in the Statewide database of a prior report or a current investigation concerning a subject of the report.</p>	<p><a href="#">House Bill 430</a></p> <p>After ensuring making reasonable efforts to ensure the immediate safety of the child and any other child in the child's home, a county agency or law enforcement agency 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 agency 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 advanced communication 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 advanced communication 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> <p>(1) That a complaint of suspected child abuse by a perpetrator has been received.</p> <p>(2) The substance of the complaint.</p> <p>(3) The existence in the central register of a prior indicated or founded report or a current investigation concerning a subject of the report.</p>	<p><a href="#">Senate Bill 25</a></p> <p>When a report is received by a county children and youth agency or law enforcement then "after ensuring the immediate safety of the child and any other child in the child's home" they are to "immediately notify the department of the report." The Department of Public Welfare (DPW) after receiving a report at the hotline is to "immediately transmit a written or electronic notice to the county agency" with the following information:</p> <p>(1) That a complaint of suspected child abuse by a perpetrator has been received.</p> <p>(2) The substance of the complaint.</p> <p>(3) The existence in the Statewide database of a prior report or a current investigation concerning a subject of the report.</p> <p>If the report is to go to law enforcement then the Department is to provide notice that contains the following information:</p> <p>(1) Receipt of a complaint of suspected child abuse.</p> <p>(2) The substance of the complaint.</p> <p>(3) The existence in the Statewide database of a prior report or a current investigation concerning a subject of the</p>	

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	which is to be held in the pending complaint file as provided in Subchapter C.			report. (d) Notice of joint referrals.-- When a report is referred to the county agency under subsection (b) and is also referred to law enforcement under subsection (c), the notice shall include the name and contact information of any persons receiving the referral. When the call to ChildLine (the Department) relates to General Protective Services or a suggestion that the child or family "is in 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 has reasonable cause to suspect that abuse occurred."	
<b>Exclusions from Child Abuse</b>	6302(c) This chapter does not restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children.  Section 6303(b) No child shall be deemed to be physically or mentally abused based on injuries that result solely	§ 6304. Exclusions from child abuse. (a) Environmental factors.--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. (b) Practice of religious beliefs.--If, upon investigation, the county agency determines that a child has not been	<a href="#">House Bill 726</a> § 6304. Exclusions from child abuse. (A) Environmental factors.--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. (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 seriously held religious	<a href="#">Senate Bill 20</a> § 6304. Exclusions from child abuse. (a) Environmental factors.--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	<b>Senate Bill 20 w/amendment #03399 (Washington)</b>  (b.2) Child-on-child contact. -- Harm or injury to a child that results from the act of another child shall not constitute child abuse unless: (1) The act constitutes one of the following

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	<p>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. (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</p>	<p>provided needed medical or surgical care because of seriously held religious beliefs of the child's parents 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. In such cases the following shall apply:</p> <p>(1) 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.</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>(c) Use of force for disciplinary purposes.--Subject to subsection (d), the use of reasonable force under the circumstances against a child by a person responsible for a 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 designed to maintain order and control.</p> <p>(2) The use of reasonable force is necessary:</p> <p>(i) to quell a disturbance or remove the</p>	<p>beliefs of the child's parents 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. In such cases the following shall apply:</p> <ol style="list-style-type: none"> <li>1) 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.</li> <li>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.</li> <li>3) The family shall be referred for general protective services, if appropriate.</li> <li>4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.</li> </ol> <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 a person responsible for supervision, control or safety of the child shall not be considered child abuse if any of the following conditions apply:</p> <ol style="list-style-type: none"> <li>1) The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control.</li> <li>2) The use of reasonable force is necessary: <ol style="list-style-type: none"> <li>I. To quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to</li> </ol> </li> </ol>	<p>care.</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 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 religious basis for the child's condition, and the family shall be referred for general protective services, if appropriate.</p> <p>(c) Use of force for disciplinary purposes.--Subject to subsection (d), the use of reasonable force under the circumstances against a child by a person responsible for a child's welfare shall not be considered child abuse if any of the following conditions apply:</p>	<p>crimes: (i) Rape as defined in 18 Pa.C.S. §3121 (relating to rape);</p> <p>(ii) Involuntary Deviate Sexual Intercourse as defined in 18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse);</p> <p>(iii) Sexual Assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);</p> <p>(iv) Aggravated Indecent Assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault); or</p> <p>(2) the child who caused the harm or injury is a perpetrator as defined herein.</p> <p>(c) Environmental factors.— Notwithstanding subsection (b.1), the term "child abuse" shall not be construed to deem a child to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent</p>

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	<p>agency shall not reference "child abuse" and shall acknowledge the religious basis for the child's condition, and the family shall be referred for general protective services, if appropriate.</p>	<p>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.  (d) Effect on rights of parents.-- Notwithstanding subsection (c), this chapter does not restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children, subject to the provisions of 18 Pa.C.S. § 509 (relating to use of force by persons with special responsibility for care, discipline or safety of others).  (e) Participation in events that involve physical contact with child.--An individual participating in a practice or competition in an interscholastic sport, physical education 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.  (f) Peer-on-peer contact.--No child shall be deemed to be physically or mentally abused based on injuries that result solely from a fight or scuffle mutually entered into by mutual consent.</p>	<p>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 or weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.  (D) Reasonable force by parents and guardians and other authorized persons. – Notwithstanding subsection (c), this chapter does not restrict the generally recognized existing rights of parents, guardians and persons authorized by a parent or guardian to use reasonable force for supervision, control and discipline when raising children. Such force shall not be considered child abuse, provided that the force is used in a reasonable and controlled manner. When determining whether such force is reasonable, the intent of the parent, guardian or other authorized person, the circumstances, the physical and mental maturity of the child and the physical and mental condition of the child are factors to be considered. This subsection shall not be construed to supersede any law or regulation prohibiting or regulating the use of disciplinary force or physical punishment by certain individual who are not parents or guardians, including, but not limited to, foster parents, school employees, child care employees and employees or residential facilities.  (E) Participation in events that involve physical contact with child. – An individual participating in a practice or competition in an interscholastic sport, physical education, a recreational activity or an extracurricular activity that involves physical contact with a child does not, in itself,</p>	<p>(1) The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control.  (2) The use of reasonable force is necessary:  (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.  (d) Effect on rights of parents.-- Notwithstanding subsection (c), this chapter does not restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children, subject to the provisions of 18 Pa.C.S. § 509 (relating to use of force by persons with special responsibility for care, discipline or safety of others).  (e) Participation in events that involve physical contact with child.--An individual participating in a practice or competition in an</p>	<p>or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care. This section shall not apply to foster parents, an individual who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization, school employees, child care employees and employees of residential facilities.  (d) Participation in events that involve physical contact with child.—Notwithstanding subsection (b.1), the term "child abuse" shall not be construed, in itself, to apply to an individual participating in a practice or competition in an interscholastic sport, physical education or an extracurricular activity that involves physical contact with a child.  (e) Practice of religious</p>

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			<p>constitute contact that is subject to the reporting requirements of this chapter.</p> <p>(F) Peer-on-Peer Contact. – No child shall be deemed to be physically or mentally abused based on injuries that result from a dispute, fight or scuffle with a peer.</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 for self-protection) and 506 (Relating to use of force for the protection of other persons), shall not be considered child abuse.</p> <p>(H) Accidental conduct. – Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.</p> <p><b>NOTE:</b> House Bill 726 limits the applicability of the practice of religious beliefs language to the “child’s parents or guardian” removing or person responsible for the child’s welfare within current law and the Task Force’s recommendations. It also includes language stipulating that if a child dies due to the “failure to provide needed medical or surgical care” then the exclusion would not apply.</p>	<p>interscholastic sport, physical education 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) Peer-on-peer contact.--No child shall be deemed to be physically or mentally abused based on injuries that result solely from a fight or scuffle mutually entered into by mutual consent.</p>	<p>beliefs.--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 religious basis for the child's condition,</p>

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					<p>and the family shall be referred for general protective services, if appropriate. This section shall not apply to foster parents, an individual who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization, school employees, child care employees and employees of residential facilities.</p> <p>(f) Use of reasonable force for safety purposes.—</p> <p>Notwithstanding subsection (b.1), the term “child abuse” shall not be construed to apply to the use of reasonable force under the circumstances against a child by a person responsible for a child's welfare if any of the following apply:</p> <p>(1) The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other</p>

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					<p>actions that are designed to maintain order and control.</p> <p>(2) The use of reasonable force is necessary:</p> <p>(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;</p> <p>(ii) To prevent the child from self-inflicted physical harm;</p> <p>(iii) For self-defense or the defense of another individual; or</p> <p>(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> <p>(g) Rights of parents.— Nothing in this section shall be construed to restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children.</p>
<b>Expunge</b>	To strike out or obliterate entirely so that the	Eliminated – The Task Force recommended that “The Statewide			

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	expunged information may not be stored, identified or later recovered by any mechanical or electronic means or otherwise.	database would be maintained indefinitely, and the current expungement process would be eliminated. The Statewide database would be restricted and confidential, with access limited to authorized county agency personnel and law enforcement personnel for purposes of assessing and investigating allegations of child abuse and neglect.”			
<b>Factors to consider when awarding custody</b>			<p align="center"><a href="#">House Bill 414</a></p> <p>When a party seeks custody the court “shall determine:”</p> <p>With respect to child abuse under Chapter 63 (relating to child protective services) or a child who is a victim of a crime under 18 Pa.C.S. (relating to crimes and offenses) which would constitute abuse under Chapter 63:</p> <ul style="list-style-type: none"> <li>(i) Whether the child is the subject of an indicated or founded report of child abuse.</li> <li>(ii) Whether a party or a member of the party's household has been identified as the perpetrator in an indicated or founded report of child abuse.</li> <li>(iii) The date and circumstances of the child abuse.</li> <li>(iv) The jurisdiction where the child abuse investigation took place.</li> </ul> <p>(2) With respect to general protective services under Chapter 63:</p> <ul style="list-style-type: none"> <li>(i) Whether a party or a member of a party's household has been provided general protective services.</li> <li>(ii) The type of services provided.</li> <li>(iii) The circumstances surrounding the provision of services.</li> <li>(iv) Whether the services were effective.</li> <li>(v) The date the services were provided.</li> <li>(vi) The jurisdiction where the services were provided.”</li> </ul>		

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			The Department of Public Welfare and local county children and youth agencies “shall fully cooperate” with the courts, including providing confidential information and/or access to the record of the child/family.		
<b>False report of child abuse</b>		Amends Title 18 (Crimes Code) A person commits a misdemeanor of the second degree if the person knowingly or intentionally makes a report of child abuse that is false or induces a child to make a false claim of child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services) for any of the following purposes: (1) Harassing, embarrassing or harming another person. (2) Personal financial gain. (3) Acquiring any right under 23 Pa.C.S. Ch. 53 (relating to child custody). (4) Personal benefit in any other private dispute.  The identity of a person making a child abuse is protected unless law enforcement is investigating a false report of child abuse, then the information would be provided with law enforcement.		<a href="#">Senate Bill 28</a> Amends Title 18 (Crimes Code)  “Any person who intentionally makes a false report of suspected child abuse against a person, school, private residential rehabilitative institution, detention facility, school employee, private residential rehabilitative institution employee or detention facility employee commits a misdemeanor of the second degree.”	
<b>Family members</b>	Spouses, parents and children or other persons related by consanguinity or affinity.	Spouses, parents and children or other persons related by consanguinity or affinity. <b>The term does not include foster parents, foster children and paramours.</b>			
<b>Founded report</b>	A child abuse report made pursuant to this chapter if there has been any judicial adjudication based on a finding that a child who is a subject of the report has	A child abuse report involving a perpetrator that is made pursuant to this chapter, if any of the following applies: (1) There has been a judicial adjudication based on a finding that a child who is a subject of the report has		<a href="#">Senate Bill 31</a> A child abuse report involving a perpetrator that is made pursuant to this chapter, if any of the following applies: (1) There has been a judicial	<b>Senate Bill 20 w/amendment #03399 (Washington)</b>  A child abuse report involving a perpetrator

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	<p>been abused, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of child abuse.</p>	<p>been abused and the adjudication involves the same factual circumstances involved in the allegation of child abuse. The judicial adjudication may include any of the following:</p> <p>(i) The entry of a plea of guilty or nolo contendere.</p> <p>(ii) A finding of guilt to a criminal charge.</p> <p>(iii) A finding of dependency or delinquency under 42 Pa.C.S. § 6341 (relating to adjudication).</p> <p>(2) There has been an acceptance into an accelerated rehabilitative disposition program and the reason for the acceptance involves the same factual circumstances involved in the allegation of child abuse.</p> <p>(3) There has been a consent decree entered in a juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the decree involves the same factual circumstances involved in the allegation of child abuse.</p> <p>(4) A final protection from abuse order has been granted under section 6108 (relating to relief), when the child who is a subject of the report is also one of the individuals protected under the protection from abuse order and:</p> <p>(i) only one individual is charged with the abuse in the protection from abuse action;</p> <p>(ii) only that individual defends against the charge; and</p> <p>(iii) the protection from abuse adjudication finds that the abuse occurred and prohibits further contact between the individual and the child.</p>		<p>adjudication based on a finding that a child who is a subject of the report has been abused and the adjudication involves the same factual circumstances involved in the allegation of child abuse. The judicial adjudication may include any of the following:</p> <p>(i) The entry of a plea of guilty or nolo contendere.</p> <p>(ii) A finding of guilt to a criminal charge.</p> <p>(iii) A finding of dependency or delinquency under 42 Pa.C.S. § 6341 (relating to adjudication), if the court has entered a finding that a child who is the subject of the report has been abused..</p> <p>(2) There has been an acceptance into an accelerated rehabilitative disposition program and the reason for the acceptance involves the same factual circumstances involved in the allegation of child abuse.</p> <p>(3) There has been a consent decree entered in a juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and, the decree involves the same factual circumstances involved in the allegation of child abuse., and the terms and conditions thereof include an acknowledgement, admission or finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent.</p>	<p>that is made pursuant to this chapter, if any of the following applies:</p> <p>(1) There has been a judicial adjudication based on a finding that a child who is a subject of the report has been abused and the adjudication involves the same factual circumstances involved in the allegation of child abuse. The judicial adjudication may include any of the following:</p> <p>(i) The entry of a plea of guilty or nolo contendere.</p> <p>(ii) A finding of guilt to a criminal charge.</p> <p>(iii) A finding of dependency or delinquency under 42 Pa.C.S. § 6341 (relating to adjudication), if the court has entered a finding that a child who is the subject of the report has been abused.</p> <p>(iv) A finding of delinquency under 42 Pa.C.S. § 6341 (relating to adjudication), if the court has entered a finding that the child who is the subject of the</p>

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				<p>(4) A final protection from abuse order has been granted under section 6108 (relating to relief), when the child who is a subject of the report is also one of the individuals protected under the protection from abuse order and:</p> <ul style="list-style-type: none"> <li>(i) only one individual is charged with the abuse in the protection from abuse action;</li> <li>(ii) only that individual defends against the charge; and</li> <li>(iii) the protection from abuse adjudication finds that the abuse occurred and prohibits further contact between the individual and the child.</li> </ul>	<p>report has been abused by the child who was found to be delinquent.</p> <p>(2) There has been an acceptance into an accelerated rehabilitative disposition program and the reason for the acceptance involves the same factual circumstances involved in the allegation of child abuse.</p> <p>(3) There has been a consent decree entered in a juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the decree involves the same factual circumstances involved in the allegation of child abuse., and the terms and conditions thereof include an acknowledgment, admission or finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent.</p> <p>(4) A final protection from abuse order has been granted under section 6108 (relating to relief), when the child</p>

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					who is a subject of the report is also one of the individuals protected under the protection from abuse order and: (i) only one individual is charged with the abuse in the protection from abuse action; (ii) only that individual defends against the charge; and (iii) the protection from abuse adjudication finds that the abuse occurred and prohibits further contact between the individual and the child.
<b>Founded report for school employee</b>	A report under Subchapter C.1 (relating to students in public and private schools) if there has been any judicial adjudication based on a finding that the victim has suffered serious bodily injury or sexual abuse or exploitation, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegations of the report.	Eliminated	<a href="#">House Bill 434</a> Eliminates this provision – this bill eliminates the entire Subchapter C.1 – related to abuse in public and private schools.	<a href="#">Senate Bill 31</a> Eliminates this provision – this bill eliminates the entire Subchapter C.1 – related to abuse in public and private schools.	
<b>General protective services</b>	Those services and activities provided by each county agency for nonabuse cases requiring protective services, as	Those services and activities provided by each county agency for nonabuse cases requiring protective services, as defined by the <a href="#">department</a> in regulations.		<a href="#">Senate Bill 31</a> Those services and activities provided by each county agency for nonabuse cases requiring protective services, as defined by	

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	defined by the Department of Public Welfare in regulations.			the department in regulations.	
<b>Good cause for amendment, expunction of a report of child abuse on the statewide registry</b>		Amendment by secretary.--At any time, the secretary may amend any record under this chapter upon good cause shown and notice to the appropriate subjects of the report and the county agency having jurisdiction over the report.	<p style="text-align: center;"><a href="#">House Bill 433</a></p> <p>(B.1) Good Cause  (1) For the amendment or expunction of a report of child abuse in the statewide central register pursuant to subsection (A) (1), good cause shall constitute any of the following:</p> <ul style="list-style-type: none"> <li>I. Newly discovered clear and convincing evidence that an indicated report of child abuse is inaccurate or is being maintained in a manner inconsistent with this chapter.</li> <li>II. A determination that the perpetrator in an indicated report of abuse no longer represents a significant risk to children and that no significant public purpose would be served by the continued listing of the person as a perpetrator in the statewide central register, if all of the following apply:</li> <li>III. A determination that the perpetrator in an indicated report of abuse no longer represents a significant risk to children and that no significant public purpose would be served by the continued listing of the person as a perpetrator in the statewide central register, if all of the following apply: <ul style="list-style-type: none"> <li>A. The person did not cause serious bodily injury or sexual abuse or exploitation of a child.</li> <li>B. At least five years have passed since the entry of the person's name into the statewide central register.</li> <li>C. The person is not identified as the perpetrator in any other</li> </ul> </li> </ul>		

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			<p>founded or indicated report of child abuse.</p> <p>D. The person would not be prohibited from employment involving children under this chapter.</p> <p>2. A person listed as the perpetrator in an indicated report of child abuse may make a written request that the secretary amend or expunge a report of child abuse in the statewide central register for good cause, as provided in this subsection. The request shall be in a form acceptable to the department.”</p> <p>The Secretary would then have 90 days from receipt of the request to “determine whether good cause exists to amend or expunge the record in the statewide central register.” The Secretary may “consider any relevant factor” and if good cause is found to exist then the department would have to amend or expunge the record within 15 days.</p>		
<b>Independent contractor</b>			<p><a href="#">House Bill 434</a> and <a href="#">House Bill 436</a></p> <p>An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is directly responsible for the care, supervision, guidance or control of children. The term excludes an individual who, in his capacity as an independent contractor, has no direct contact with children.</p>		<p><b>Senate Bill 21 w/ amendment #3409 (Ward)</b></p> <p>An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. The term does not include an individual</p>

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					who has no direct contact with children.
<b>Indicated report</b>	A child abuse report made pursuant to this chapter if an investigation by the county agency or the Department of Public Welfare determines that substantial evidence of the alleged abuse exists based on any of the following: (1) Available medical evidence. (2) The child protective service investigation. (3) An admission of the acts of abuse by the perpetrator.	(1) Subject to paragraph (2), a report of child abuse made pursuant to this chapter if an investigation by the department or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following: (i) Available medical evidence. (ii) The child protective service investigation. (iii) An admission of the acts of abuse by the perpetrator. <b>(2) A report may be indicated under paragraph (1)(i) or (ii) for any child in need of child protective services, regardless of the number of alleged perpetrators or the inability to identify the specific perpetrator among two or more alleged perpetrators.</b>	<a href="#">House Bill 433</a> Requires that indicated reports – any final determination of such shall be “made by the county agency solicitor and the county administrator or the designee of the administrator.”	<a href="#">Senate Bill 31</a> (1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an investigation by the department or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following: (i) Available medical evidence. (ii) The child protective service investigation. (iii) An admission of the acts of abuse by the perpetrator. (2) A report may be indicated under paragraph (1)(i) or (ii) for any child in need of child protective services, regardless of the number of alleged perpetrators or the inability to identify the specific perpetrator among two or more alleged perpetrators. (3) a report may be indicated by a county agency under paragraph (1) only upon the approval of the county agency administrator or designee and a county agency solicitor.	<b>Senate Bill 20 w/amendment #03399 (Washington)</b> (1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an investigation by the department or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following: (i) Available medical evidence. (ii) The child protective service investigation. (iii) An admission of the acts of abuse by the perpetrator. (2) A report may be indicated under paragraph (1)(i) or (ii) for any child in need of child protective services, regardless of the number of alleged perpetrators or the inability to identify the specific perpetrator among two or more alleged perpetrators. (3) a report may be indicated by a county

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					agency under paragraph (1) only upon the approval of the county agency administrator or designee and a county agency solicitor.
<b>Indicated report – burden of proof on standard of evidence</b>		Because indicated reports are not subject to a judicial review, special provisions are made for their treatment. Indicated reports cannot be identified as such without review and approval by the county children and youth agency solicitor and the county administrator or his designee. Additionally, the final determination of an indicated report can be appealed under § 6329. The burden of proof in these cases remains “substantial evidence” and the Task Force’s reasoning for retaining this burden of proof and rejecting the Commonwealth Court’s recent decisions reviewing this standard is set forth in the Comment to § 6329 in the proposed legislation.	<a href="#">House Bill 433</a> House Bill 433 addresses the disposition of founded and indicated reports providing that the secretary of the Department of Public Welfare “may amend or expunge any record...upon good cause shown and notice to the appropriate subjects of the report.”  Throughout House Bill 433, it alters the burden of proof from substantial to “clear and convincing.”	<a href="#">Senate Bill 31</a> Senate Bill 31 speaks to indicated reports and retains the burden of proof in these cases at substantial versus clear and convincing.  “(1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an investigation by the department or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following:”	
<b>Indicated report for school employee</b>	A report made under Subchapter C.1 (relating to students in public and private schools) if an investigation by the county agency determines that substantial evidence of serious bodily injury or sexual abuse or exploitation exists based on any of the following: (1) Available medical evidence. (2) The county agency's	Eliminated	<a href="#">House Bill 434</a> Eliminates this provision – this bill eliminates the entire Subchapter C.1 – related to abuse in public and private schools.	<a href="#">Senate Bill 31</a> Eliminates this provision – this bill eliminates the entire Subchapter C.1 – related to abuse in public and private schools.	

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	investigation. (3) An admission of the acts of abuse by the school employee.				
<b>Individual residing in the same home as the child</b>	An individual who is 14 years of age or older and who resides in the same home as the child.	Eliminated (captured in definition of perpetrator)			
<b>Intentionally</b>			<p align="center"><a href="#">House Bill 726</a></p> <p>The term shall have the same meaning as provided in 18 PA.C.S. § 302 (Relating to General Requirements of Culpability).</p> <p><b>NOTE:</b> Here is the <a href="#">Title 18 language</a>:  <i>(1) A person acts intentionally with respect to a material element of an offense when:</i>  <i>(i) if the element involves the nature of his conduct or a result thereof, it is his conscious object to engage in conduct of that nature or to cause such a result; and</i>  <i>(ii) if the element involves the attendant circumstances, he is aware of the existence of such circumstances or he believes or hopes that they exist.</i></p>		<p align="center"><b>Senate Bill 20 w/amendment #03399 (Washington)</b></p> <p>As specified in 18 PA.C.S. § 302 (Relating to general requirements of culpability).</p>
<b>Interviewing the child</b>				<p align="center"><a href="#">Senate Bill 25</a></p> <p>This bill includes a section on cooperation with the county agency and stipulates that no one other than the district attorney or law enforcement “may prohibit the department or county agency from interviewing the child who is the subject of suspected child abuse.” Also that parental consent is not required prior to the child being interviewed. Persons who bar,</p>	

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				inhibit or preclude “sufficient access” to the child could face a misdemeanor of the 2 <sup>nd</sup> degree criminal charge.	
<b>Intimidation or retaliation in child abuse cases</b>		<p>Provides for an amendment to Title 18 (the Crimes Code) Intimidation or retaliation in child abuse cases.</p> <p>“(a) Offense defined; intimidation.--A person commits an offense if:</p> <p>(1) The person has knowledge or intends that the person’s conduct under paragraph (2) will obstruct, impede, impair, prevent or interfere with the making of a child abuse report or the conducting of an investigation into suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services) or prosecuting a child abuse case.</p> <p>(2) The person intimidates or attempts to intimidate any reporter, victim or witness to engage in any of the following actions:</p> <p>(i) Refrain from making a report of suspected child abuse or causing a report of suspected child abuse to be made.</p> <p>(ii) Refrain from providing or withhold information, documentation, testimony or evidence to any person regarding a child abuse investigation or proceeding.</p> <p>(iii) Give false or misleading information, documentation, testimony or evidence to any person regarding a child abuse investigation or proceeding.</p> <p>(iv) Elude, evade or ignore any request or legal process summoning the reporter, victim or witness to appear to</p>	<p><a href="#">House Bill 404</a></p> <p>A person commits an offense if:</p> <p>(1) The person has knowledge or intends that the person's conduct under paragraph (2) will obstruct, impede, impair, prevent or interfere with the making of a child abuse report or the conducting of an investigation into suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services) or prosecuting a child abuse case.</p> <p>(2) The person intimidates or attempts to intimidate any reporter, victim or witness to engage in any of the following actions:</p> <p>(i) Refrain from making a report of suspected child abuse or causing a report of suspected child abuse to be made.</p> <p>(ii) Refrain from providing or withhold information, documentation, testimony or evidence to any person regarding a child abuse investigation or proceeding.</p> <p>(iii) Give false or misleading information, documentation, testimony or evidence to any person regarding a child abuse investigation or proceeding.</p> <p>(iv) Elude, evade or ignore any request or legal process summoning the reporter, victim or witness to appear to testify or supply evidence regarding a child abuse investigation or proceeding.</p> <p>(v) Fail to appear at or participate in a child abuse proceeding or meeting involving a child abuse investigation to which the reporter, victim or witness has been legally summoned.</p> <p>(b) Retaliation.--A person commits an offense if the person harms another person by any</p>	<p><a href="#">Senate Bill 28</a></p> <p>§ 4958. Intimidation or retaliation in child abuse cases.</p> <p>(a) Intimidation.--A person commits an offense if:</p> <p>(1) The person has knowledge or intends that the person's conduct under paragraph (2) will obstruct, impede, impair, prevent or interfere with the making of a child abuse report or the conducting of an investigation into suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services) or prosecuting a child abuse case.</p> <p>(2) The person intimidates or attempts to intimidate any reporter, victim or witness to engage in any of the following actions:</p> <p>(i) Refrain from making a report of suspected child abuse or not cause a report of suspected child abuse to be made.</p> <p>(ii) Refrain from providing or withholding information, documentation, testimony or evidence to any person regarding a child abuse investigation or proceeding.</p> <p>(iii) Give false or misleading information, documentation, testimony or evidence to any person regarding a child abuse</p>	

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		<p>testify or supply evidence regarding a child abuse investigation or proceeding.</p> <p>(v) Fail to appear at or participate in a child abuse proceeding or meeting involving a child abuse investigation to which the reporter, victim or witness has been legally summoned. - 249 -</p> <p>(b) Offense defined; retaliation.--A person commits an offense if the person harms another person by any unlawful act or engages in a course of conduct or repeatedly commits acts which threaten another person in retaliation for anything that the other person has lawfully done in the capacity of a reporter, witness or victim of child abuse.</p> <p>(c) Grading.--</p> <p>(1) An offense under this section is a felony of the second degree if:</p> <p>(i) The actor employs force, violence or deception or threatens to employ force, or violence or deception upon the reporter, witness or victim or, with the reckless intent or knowledge, upon any other person.</p> <p>(ii) The actor offers pecuniary or other benefit to the reporter, witness or victim.</p> <p>(iii) The actor's conduct is in furtherance of a conspiracy to intimidate or retaliate against the reporter, witness or victim.</p> <p>(iv) The actor accepts, agrees or solicits another person to accept any pecuniary benefit to intimidate or retaliate against the reporter, witness or victim.</p> <p>(v) The actor has suffered a prior conviction for a violation of this section or has been convicted under a Federal statute or statute of any other state of an act which would be a violation of this</p>	<p>unlawful act or engages in a course of conduct or repeatedly commits acts which threaten another person in retaliation for anything that the other person has lawfully done in the capacity of a reporter, witness or victim of child abuse.</p> <p><b>NOTE:</b> <i>The grading of the offense ranges from a 2<sup>nd</sup> degree misdemeanor to a 2<sup>nd</sup> degree felony (e.g., force, violence or deception is utilized).</i></p>	<p>investigation or proceeding.</p> <p>(iv) Elude, evade or ignore any request or legal process summoning the reporter, victim or witness to appear to testify or supply evidence regarding a child abuse investigation or proceeding.</p> <p>(v) Fail to appear at or participate in a child abuse proceeding or meeting involving a child abuse investigation to which the reporter, victim or witness has been legally summoned.</p> <p>(b) Retaliation.--A person commits an offense if the person harms another person by any unlawful act or engages in a course of conduct or repeatedly commits acts which threaten another person in retaliation for anything that the other person has lawfully done in the capacity of a reporter, witness or victim of child abuse.</p> <p><b>NOTE:</b> <i>The grading of the offense ranges from a 2<sup>nd</sup> degree misdemeanor to a 2<sup>nd</sup> degree felony (e.g., force, violence or deception is utilized).</i></p>	

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		section if committed in this Commonwealth. (2) An offense not otherwise addressed in paragraph (1) is a misdemeanor of the second degree.”			
<b>Investigating child abuse</b>	<p>Consistent with the provisions of this chapter, the county agency and law enforcement agencies shall cooperate and coordinate, to the fullest extent possible, their efforts to respond to and investigate reports of suspected child abuse and to reports under Subchapter C.1.</p> <p>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</p>	<p>§ 6321. Responsibility for investigation. The department shall establish procedures regarding the following different responses to address suspected child abuse and protective services depending on the person allegedly committing the suspected child abuse or causing a child to be in need of protective services: - 87 -</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 local law enforcement shall jointly investigate the allegation through the multidisciplinary investigative team established in section 6326 (relating to investigation by multidisciplinary investigative team) and as further 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, local law enforcement and the district attorney of county where the suspected child abuse is alleged to have occurred shall be solely responsible for</p>	<p><a href="#">House Bill 430</a> establishes which agency is to investigate a report of child abuse/a crime against a child.</p> <p>A county children and youth agency shall investigate when the alleged abuse is committed by a perpetrator as defined by CPSL, if the allegations involved a perpetrator and the “behavior constituting the child abuse may include a violation of a criminal offense” then it is child welfare and law enforcement that should investigate jointly.</p> <p>Finally, where the alleged abuse or crime against a child does not involve a perpetrator as defined by the CPSL then the requirement to investigate the report is “solely” the responsibility of law enforcement.</p> <p><a href="#">House Bill 433</a> includes language to stipulate that the investigation “shall include interviews with all subjects of the report, including the alleged perpetrator. If a subject of a 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.”</p>	<p><a href="#">Senate Bill 25</a></p> <p>The department shall establish procedures to respond to suspected child abuse or the need for protective services:</p> <p>(1) If the suspected child abuse is alleged to have been committed by a person who is not a perpetrator, local law enforcement officials where the suspected child abuse is alleged to have occurred shall be solely responsible for investigating the allegation.</p> <p>(2) If the suspected child abuse is alleged to have been committed by a perpetrator, the appropriate county agency shall investigate the allegation.</p> <p>(3) If the suspected child abuse is alleged to have been committed by a perpetrator and the behavior constituting the suspected child abuse includes a criminal offense, the appropriate county agency and local law enforcement shall jointly investigate 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 under this chapter.</p>	

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	<p>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>Upon receipt of each report of suspected child abuse, the county agency shall immediately 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</p>	<p>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>			

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	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.				
<b>Investigating child abuse –medical examination</b>	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 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 county agency may require that a medical examination by a certified medical practitioner be performed on the child or any other child in the child's household when deemed necessary because of information discovered during the course of the investigation.	<a href="#">House Bill 433</a> The bill retains the language in current law that links the medical examination to situations where the investigation “indicates serious physical injury.” However, House Bill 726, which is the bill defining child abuse serious physical injury is replaced with bodily injury.		

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Knowingly			<p align="center"><a href="#">House Bill 726</a></p> <p>The term shall have the same meaning as provided in 18 PA.C.S. § 302 (Relating to General Requirements of Culpability).</p> <p><b>NOTE:</b> Here is the <a href="#">Title 18 language</a>:  <i>(2) A person acts knowingly with respect to a material element of an offense when:</i>  <i>(i) if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist; and</i>  <i>(ii) if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result.</i></p>		<p align="center"><b>Senate Bill 20 w/amendment #03399 (Washington)</b></p> <p>As specified in 18 PA.C.S. § 302 (Relating to general requirements of culpability).</p>
Mandated reporter – chain of command, reporting to supervisor		<p>Section 6311(e) (e) Reports by employees, independent contractors and staff members.--  (1) If a person is required to report under subsection (a)(15) or (16) or as a staff member of a medical or other public or private institution, school, facility or agency, that person shall immediately report the suspected child abuse directly to the department by telephone or advanced communications technologies and:  (i) In the case of an employee or independent contractor of a mandated reporter, notify the person directly responsible for supervising the employee or independent contractor on behalf of the mandated reporter.  (ii) In the case of a staff member of an institution, school, facility or agency, notify the person in charge of the institution, school, facility or agency or</p>		<p align="center"><a href="#">Senate Bill 21</a></p> <p>If a person is required to report under this section, the person shall immediately report the suspected child abuse directly to the department by telephone or electronically. A mandated reporter may delegate the direct reporting to the department by telephone to an employee. The employee of a mandated reporter must notify the mandated reporter of the completion of the report.  (2) A mandated reporter or his employee may not:  (i) obstruct, prevent or delay the forwarding of a report of suspected child abuse; or  (ii) modify, edit or otherwise change the substance of a report of suspected child abuse.</p>	<p align="center"><b>Senate Bill 21 w/ amendment #3409 (Ward)</b></p> <p>Removes the ability to “delegate” that a report be made.</p> <p>A mandated reporter shall immediately make an oral or written report, which may be submitted electronically, of suspected child abuse to the department.</p>

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		<p>the designated agent of the person in charge.</p> <p>(2) The person notified under paragraph (1)(i) or (ii) may not:</p> <p>(i) control or restrain another person from making a report of suspected child abuse or causing a report of suspected child abuse to be made;</p> <p>(ii) modify, edit or otherwise change the substance of a report of suspected child abuse; or</p> <p>(iii) obstruct, prevent or delay the forwarding of a report of suspected child abuse.</p> <p>(3) Notice to a person under paragraph (1)(i) or (ii) shall not relieve the employee, independent contractor or staff member of the obligation as a mandated reporter to make a report of suspected child abuse or cause a report of suspected child abuse to be made.</p> <p>(4) A person receiving notice under paragraphs (1)(i) or (ii) shall facilitate the cooperation of the person's institution, school, facility or agency with the child abuse investigation.</p> <p>(5) Confirmation from the department that a report of suspected child abuse has been filed shall relieve other employees, independent contractors and staff members of the obligation to make a report of suspected child abuse or cause a report of suspected child abuse to be made.</p>		<p>(3) Delegation to an employee under paragraph (1) shall not relieve the mandatory reporter of the obligation as a mandated reporter to make a report under section 6313 (relating to reporting procedure).</p> <p>(4) Confirmation from the department that a report of suspected child abuse has been filed shall relieve other employees and independent contractors of the obligation to make a report of suspected child abuse or cause a report of suspected child abuse to be made.</p> <p style="text-align: center;"><b><a href="#">Senate Bill 31</a></b></p> <p>Staff members of institutions, etc.--Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall immediately report or cause a report to be made in accordance with section 6313. The person required to report shall also notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. This chapter does not require more than one report from any such institution, school, facility or agency.</p>	

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Mandated reporter - general		"Mandated reporter." A person required to report suspected child abuse under section 6311 (relating to persons required to report suspected child abuse).	<p><a href="#">House Bill 430</a> <a href="#">House Bill 404</a> <a href="#">House Bill 436</a></p> <p>A person required to report suspected child abuse under section 6311 (relating to persons required to report suspected child abuse). <b>NOTE:</b> <i>House Bill 430 requires that the Department of Public Welfare provide "specific information and guidance related to the recognition and reporting of child abuse on its internet website. This guidance shall be "pertinent to both mandated and permissive reports" and address topics including "conduct constituting child abuse and exclusions from child abuse, persons classified as mandated reporters, reporting requirements and procedures, the basis for making a report of suspected child abuse and penalties for failure to report, etc. House Bill 404 is a Crimes Code bill addressing intimidation or retaliation in child abuse cases.</i></p>	<p><a href="#">Senate Bill 31</a></p> <p>A person required to report suspected child abuse under section 6311 (relating to persons required to report suspected child abuse).</p>	<p><b>Senate Bill 21 w/ amendment #3409 (Ward)</b></p> <p>A person who is required by this chapter to make a report of suspected child abuse.</p>
Mandated reporter – limited exemption			<p><a href="#">House Bill 436</a></p> <p>The bill follows the lead of the Task Force in providing a limited exemption from having to report as child abuse, statutory sexual assault if the child is 14 years of age or over. The exemption extends the Task Force's recommendation that the exemption be applicable solely to a sexual assault counselor within rape crisis center permitting it to be utilized as well by a domestic violence counselor, advocate.</p>	<p><a href="#">Senate Bill 21</a></p> <p>Limited exemption.--A sexual assault counselor at a rape crisis center, as defined under 42 Pa.C.S. § 5945.1(a) (relating to confidential communications with sexual assault counselors), shall not be required to report a violation of 18 Pa.C.S. § 3122.1(a)(1) (relating to statutory sexual assault) as child abuse under this chapter when the child who would otherwise be the subject of a report of suspected child abuse is 14 years of age or older.</p>	<p><b>Senate Bill 21 was amended (#3409) on September 24<sup>th</sup> removing this exemption language.</b></p>
Mandated reporter – who must report -		"Mandated reporter." A person required to report suspected child abuse under	<p><a href="#">House Bill 436</a></p> <p>The following individuals, 18 years of age or</p>	<p><a href="#">Senate Bill 21</a></p> <p>The following persons shall make</p>	<p><b>Senate Bill 21 w/ amendment #3409</b></p>

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comprehensive		section 6311 (relating to persons required to report suspected child abuse).	<p>older, shall make a report of suspected child abuse or cause a report of suspected child abuse to be made, subject to subsection (B), if the person has reasonable cause to suspect, on the basis of medical, professional or other training and experience, that a child is a victim of child abuse:</p> <ol style="list-style-type: none"> <li>1. A person licensed or certified to practice in any health-related field under jurisdiction of the Department of State</li> <li>2. A medical examiner, coroner or funeral director.</li> <li>3. An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.</li> <li>4. A school employee.</li> <li>5. An employee of a child-care service.</li> <li>6. A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.</li> <li>7. An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.</li> <li>8. An employee of a social service agency.</li> <li>9. A peace officer or law enforcement official.</li> <li>10. An attorney.</li> <li>11. An employee of a public library.</li> <li>12. An emergency medical services provider certified by the Department of Health.</li> <li>13. An employee supervised or managed by a person listed under paragraphs (1) through (12), who has direct contact with</li> </ol>	<p>a report of suspected child abuse, or cause a report of suspected child abuse to be made, under this chapter:</p> <ol style="list-style-type: none"> <li>(1) A person licensed to practice in any health-related field under the jurisdiction of the Department of State.</li> <li>(2) A medical examiner, coroner or funeral director.</li> <li>(3) A health care facility or provider licensed by the Department of Health and its employees engaged in the admission, examination, care or treatment of individuals.</li> <li>(4) A school administrator, teacher, nurse, guidance counselor, coach or other school employee or an independent contractor of the school with direct responsibility for children.</li> <li>(5) A child-care services provider and employees with direct responsibility for children.</li> <li>(6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.</li> <li>(7) An individual, paid or unpaid, who, on the basis of the individual's direct responsibility for children, accepts responsibility for a child.</li> <li>(8) A social services worker.</li> <li>(9) A peace officer or law enforcement official.</li> </ol>	<p><b>(Ward)</b></p> <p>The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:</p> <ol style="list-style-type: none"> <li>(1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.</li> <li>(2) A medical examiner, coroner or funeral director.</li> <li>(3) An employee of a health care facility or provider licensed by the Department of Health engaged in the admission, examination, care or treatment of individuals.</li> <li>(4) A school administrator, teacher, nurse, guidance counselor, coach or other school employee.</li> <li>(5) A child-care services provider.</li> <li>(6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious</li> </ol>

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			<p>children in the course of employment.</p> <p>14. An independent contractor.</p>	<p>(10) An emergency medical services provider certified by the Department of Health.</p> <p>(c) Disclosure of child abuse by individual.--Notwithstanding subsection (a)(1), a mandated reporter shall make a report of suspected child abuse or cause a report of suspected child abuse to be made if:</p> <p>(1) a child makes a specific disclosure to the mandated reporter that the child or a relative or friend of the child is the victim of child abuse; and</p> <p>(2) the mandated reporter has reasonable cause to suspect that the child abuse has occurred.</p>	<p>healer or spiritual leader of any regularly established church or other religious organization.</p> <p>(7) An individual, paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.</p> <p>(8) A social services worker.</p> <p>(9) A peace officer or law enforcement official.</p> <p>(10) An emergency medical services provider certified by the Department of Health.</p> <p>(11) An individual supervised or managed by a person listed under paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9) or (10), who has direct contact with children in the course of employment.</p> <p>(12) An independent contractor.</p> <p>(c) Disclosure of child abuse by individual.-- Notwithstanding subsection (a)(1), a mandated reporter shall make a report of suspected child abuse</p>

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					or cause a report of suspected child abuse to be made if: (1) a child makes a specific disclosure to the mandated reporter that the child or a relative or friend of the child is the victim of child abuse; and (2) the mandated reporter has reasonable cause to suspect that the child abuse has occurred.
<b>Mandatory reporting – 3 digit reporting</b>		The Task Force spent a considerable amount of time discussing the need to simplify the current ChildLine telephone number, ultimately supporting a three-digit number such as 611 for use by persons reporting suspected child abuse.		<a href="#">Senate Bill 26</a> The legislation directs the Department of Public Welfare to establish a 3-digit phone number for reporting child abuse (e.g., 611).	
<b>Mandatory reporting – basis to report</b>			<a href="#">House Bill 436</a> A mandated reporter must make a report or cause a report to be made if they have “reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances: (1) The mandated reporter comes into contact with the child in the course of employment, occupation, practice of a profession or through a regularly scheduled program, activity or service. (2) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child or is affiliated with an agency, institution, organization, school regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the	<a href="#">Senate Bill 21</a> (1) Subject to paragraphs (2) and (3) and subsection (b), a person under subsection (b) shall make a report of suspected child abuse, or cause a report of suspected child abuse to be made, under this chapter if the person has reasonable cause to suspect that the child is a victim of child abuse, and: (i) in the course of employment, occupation or practice of a profession, the person comes in contact with the child; or (ii) the person is directly responsible for the care,	<a href="#">Senate Bill 21 w/ amendment #3409 (Ward)</a> (1) Any of the following circumstances shall require a mandated reporter under subsection (a), with reasonable cause to suspect that a child is a victim of child abuse, to make a report in accordance with section 6313 (relating to reporting procedure): (i) The mandated

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			<p>child.</p> <p>(3) A person makes a specific disclosure to the mandated report that an identifiable child is the victim of child abuse.</p> <p>(4) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.</p> <p><b>NOTE:</b> House Bill 436 includes a definition of “affiliate” or “person affiliated with” as “a person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person.”</p>	<p>supervision, guidance or training of the child.</p> <p>(2) The child need not come before the person in order for the person to make a report of suspected child abuse or cause a report of suspected child abuse to be made.</p> <p>(3) The identity of the perpetrator of child abuse need not be known by the person required to make a report of suspected child abuse or cause a report of suspected child abuse to be made. The person shall not be required to attempt to identify the perpetrator prior to making the report or causing the report to be made.</p>	<p>reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.</p> <p>(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child or is affiliated with an agency, institution, organization, school regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.</p> <p>(iii) A person makes a specific disclosure to the mandated report that an identifiable child is the victim of child abuse.</p> <p>(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.</p> <p>(2) Nothing in this section shall require a</p>

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					child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. (3) Nothing in this section shall require the mandated reporter to identify the perpetrator of child abuse to make a report of suspected child abuse.				
Mandatory reporting – failure to report or refer			<p align="center"><a href="#">House Bill 436</a></p> <p>A person or official required by this chapter to report a case of suspected child abuse or to make a referral to the appropriate authorities commits a misdemeanor of the second degree if the person or official willfully fails to do so, except that if the child abuse constitutes a felony of the first degree or higher, the person or official commits a felony of the third degree.</p> <p><b>NOTE:</b> Under current law a person who fails to report faces 3<sup>rd</sup> degree misdemeanor charges. Below is a chart of penalties attached to the grading of offenses to get a sense of the change being pursued in HB 436. The bill also includes language about penalties related to “intentionally or knowingly” preventing or attempting to prevent the making of a report or referral with the offense graded as a 1<sup>st</sup> degree misdemeanor generally. Concealing abuse “to protect another” is a 3<sup>rd</sup> degree felony generally. The statute of limitations for these offenses is equal to the crime committed against the minor child “or five years, whichever is greater.”</p> <table border="1" data-bbox="1266 1385 1852 1432"> <tr> <td>Offense</td> <td>Longest</td> <td>Longest</td> <td>Maximum</td> </tr> </table>	Offense	Longest	Longest	Maximum	<p align="center"><a href="#">Senate Bill 22</a></p> <p>(a) Failure to report or to refer.-- A person or official required under this chapter to report a case of suspected child abuse or to make a referral to the appropriate authorities who willfully fails to do so commits a misdemeanor of the second degree.</p> <p>(b) Interference with making report or referral.--A person who intentionally or knowingly prevents or interferes with the making of a report or referral of suspected child abuse commits a misdemeanor of the first degree.</p> <p>(c) Concealment of abuse to protect another.--A person who intentionally or knowingly acts to prevent the discovery under this chapter of child abuse in order to protect or insulate any person or entity from prosecution or liability commits a felony of the third</p>	<p align="center"><b>Senate Bill 22 w/ amendment #3410 (Ward)</b></p> <p>Changes it from an effective date of immediately to January 1, 2014.</p>
Offense	Longest	Longest	Maximum						

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Mandatory reporting – privileged communications			<p align="center"><a href="#">House Bill 436</a></p> <p>Outside of certain provisions, privileged communications “shall not” apply “to a situation involving child abuse” or “relieve the mandated reporter of the duty to make a report of suspected child abuse or cause a report of suspected child abuse to be made.” There are exceptions which include: Confidential communications made to a member of the clergy but “only to the extent that the member of the clergy is authorized to hear the communications under the disciplines, tenets or traditions of the religion of the member of the clergy.” Confidential communications made to an attorney, but again with some conditions. Confidential communications made to a psychiatrist or licensed psychologist. Like attorneys when they do have to make a report they are to identify the information that is deemed confidential. House Bill 436 stipulates that confidential</p>	<p align="center"><a href="#">Senate Bill 21</a></p> <p>(1) Subject to paragraphs (2) and (4), the privileged communication between a mandated reporter and a patient or client of the mandated reporter shall not: (i) apply to a situation involving child abuse; and (ii) constitute grounds for failure to make a report of suspected child abuse or cause a report of suspected child abuse to be made. (2) Confidential communications made to a member of the clergy are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen), but only to the extent that the member of the clergy is authorized to hear the</p>	<p align="center"><a href="#">Senate Bill 21 w/ amendment #3409 (Ward)</a></p> <p>(a) General rule. – Subject to subsection (b), the privileged communications between a mandated reporter and a patient or client of the mandated reporter shall not: (1) Apply to a situation involving child abuse. (2) Relieve the mandated reporter of the duty to make a report of suspected child abuse. (b) Confidential communications. – The</p>																								

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			communications between spouses shall not be privileged.	communications under the disciplines, tenets or traditions of the religion of the member of the clergy. (3) Confidential communications made to an attorney that are protected under 42 Pa.C.S. § 5916 (relating to confidential communications to attorney) or 5928 (relating to confidential communications to attorney) are privileged under this chapter. (4) Confidential communications between spouses shall not be privileged under this chapter notwithstanding any grant of privilege under 42 Pa.C.S. § 5914 (relating to confidential communications between spouses) or 5923 (relating to confidential communications between spouses).	following protections shall apply: (1) Confidential communications made to a member of the clergy are protected under 42. Pa.C.S. § 5943 (relating to confidential communications to clergymen). (2) Confidential communications made to an attorney are subject to 42. Pa.C.S. § 5916 (relating to confidential communications to attorney) and 5928 (relating to confidential communications to attorney), but only to the extent that such communications are protected under the rules of professional conduct for attorneys.
Multidisciplinary investigative team			<a href="#">House Bill 316</a> A team established to coordinate child abuse investigations between county agencies and law enforcement as set forth in 23 Pa.C.S. Ch. 63 (relating to child protective services).	<a href="#">Senate Bill 25</a> This bill references this team with regard to entities/individuals able to have access to confidential information. This section is amended to say that the team is now would be known as the multidisciplinary investigative team.	
Municipal Police			<a href="#">House Bill 378</a>		

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<b>Officers Education and Training Act</b>			Amends the Judicial Code and the Municipal Police Officers Education and Training Act related to training requiring the training include: "the identification of child abuse as defined in 23 Pa.C.S. Ch. 63 (relating to child protective services), court proceedings involving children." The training appears to be required of municipal police and magisterial district judges, but only provides specific direction as to content for police officers saying such training should address: (i) Recognizing child abuse. (ii) Reporting child abuse under 23 Pa.C.S. Ch.63 (relating to child protective services). (iii) The efficacy of conducting forensic interviewing of victims of child abuse within the setting of a children's advocacy center."		
<b>Near fatality</b>	An act that, as certified by a physician, places a child in serious or critical condition.	A child's serious or critical condition, as certified by a physician, where that child is a subject of the report of child abuse.		<a href="#">Senate Bill 31</a> A child's serious or critical condition, as certified by a physician, where that child is a subject of the report of child abuse.	
<b>Nonaccidental</b>	An injury that is the result of an intentional act that is committed with disregard of a substantial and unjustifiable risk.	Eliminated as a result of the reworked definition of child abuse	<a href="#">House Bill 726</a> Eliminated	<a href="#">Senate Bill 20</a> and Senate Bill 31 Eliminated	
<b>Operator</b>			<a href="#">House Bill 432</a> An executive or facility director. The term does not include a person who is not involved in managerial decisions related to the provision of services for or care of children with regard to any of the following: (1) Personnel. (2) Policy and procedures. (3) Regulatory compliance. (4) Services related to the general or medical care of children. (5) Supervision of children.		

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			(6) Safety of children. <b>NOTE:</b> House Bill 432 requires that “Operators of facilities and agencies which care for children and are subject to licensure by the department under this article and their employees who have direct contact with children” participate in required child abuse recognition and reporting training. Operators will have to receive 3 hours of training prior to the issuance of a license and then 3 hours every five years. New hires would have to receive 3 hours of training within 90 days of being hired, existing employees within 6 months of when the legislation would become effective.		
Paramour		An individual who is engaged in an ongoing intimate relationship with a parent of the child but is not married to and does not necessarily reside with the child's parent.			
Parent		A biological parent, adoptive parent or legal guardian.			<b>Senate Bill 20 w/amendment #03399 (Washington)</b>  A biological parent, adoptive parent or legal guardian.
Peer			<a href="#">House Bill 726</a> A person similar in age, grade level, physical maturity and developmental ability to another.		
Perpetrator	A person who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, an individual residing in the same home 14 years and older as a child or a paramour of a child's	A person who has committed child abuse. The term includes only the following: (1) A parent of the child. (2) A spouse or former spouse of a parent of the child. (3) A paramour or former paramour. (4) An individual who is 14 years of age or older and:	<a href="#">House Bill 726</a> A person who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, an individual residing in the same home as a child, a relative of the child, or a paramour, spouse, former paramour or former spouse of a child's parent. <b>NOTE:</b> This differs from the Task Force in that it separately defines “relative” that defines it as	<a href="#">Senate Bill 23</a> A person who has committed child abuse. The term includes only the following: (1) A parent of the child. (2) A spouse or former spouse of a parent of the child. (3) A paramour or former paramour of the parent.	<b>Senate Bill 23 w/ amendment (#3427)</b>  (1) The term includes only the following: (i) A parent of the child. (ii) A spouse or former spouse of the child's parent.

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	parent.	<p>(i) resides in the same household as the child;</p> <p>(ii) is present in the child's residence when the alleged child abuse occurred;</p> <p>or</p> <p>(iii) is related to the child within the fifth degree of consanguinity or affinity but does not reside in the same household as the child.</p> <p>(5) A person responsible for the child's welfare.</p>	<p><i>within the "third degree of consanguinity or affinity" vs. fifth degree. Also it removes the reference to "14 years and older" with regard to a person living in the same home. Also HB 726 stipulates that when a person was placed on the child abuse registry before they reached the age of 18, they should be expunged from the registry when reaching the age of 21 unless the person was named in a "subsequent founded or indicated report of child abuse" or has been adjudicated a sexually violent delinquent or a juvenile offender subject to registration.</i></p>	<p>(4) An individual who is 14 years of age or older and:</p> <p>(i) resides in the same household as the child;</p> <p>(ii) is present when and where the alleged child abuse occurred;</p> <p>or</p> <p>(iii) is related to the child within the fifth degree of consanguinity or affinity but does not reside in the same household as the child.</p> <p>(5) A person responsible for the child's welfare.</p>	<p>(iv) An individual who is 14 years of age or older and responsible for the child's welfare.</p> <p>(v) An individual who is 14 years of age or older who resides in the same home as the child.</p> <p>(vi) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child or the spouse, former spouse, paramour of the child's parent.</p> <p>(2) Only the following may be considered a perpetrator for failing to act, as provided in this section:</p> <p>(i) A parent of the child.</p> <p>(ii) A spouse or former spouse of the child's parent.</p> <p>(iii) A paramour or former paramour of the child's parents.</p> <p>(iv) A person 18 years of age or older and responsible for the child's welfare.</p> <p>(v) A person 18 years of age or older who</p>

Definitions and/or focus area of legislation	<a href="#">Current Child Protective Services Law (Title 23)</a>	<a href="#">Task Force on Child Protection Recommendation</a> (highlighted language represents change from current CPSL)	PA House Package	PA Senate Package	With Expected Amendments, Senate Aging & Youth Committee (9/24/2013)
					resides in the same home as the child.  Effective date changes from 60 days to January 1, 2014.
<b>Person responsible for the child's welfare</b>	A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in any public or private school, intermediate unit or area vocational-technical school.	A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term includes the following: (1) An individual who has direct and regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization, regardless of where the child abuse occurs. (2) An employee, independent contractor or volunteer affiliated with the entity under paragraph (1).	<a href="#">House Bill 726</a> and <a href="#">House Bill 434</a> A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.	<a href="#">Senate Bill 23</a> A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term includes an individual who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization, regardless of where the child abuse occurs.	
<b>Persons encouraged to report suspected child abuse</b>		Permissive report.--A report of suspected child abuse by a person under section 6312 (relating to persons encouraged to report suspected child abuse) may be made orally or by advanced communication technologies to the department or county agency or to law enforcement.	<a href="#">House Bill 436</a> The legislation does not obligate commercial film or photographic print processors or computer technicians to report suspected child abuse but does encourage that they do so. It also requires that such business establishments post "a sign containing information regarding the ChildLine and Abuse Registry." They have to post "at least one sign in a conspicuous manner clearly visible to the employees of the business establishment." The sign is to be designed by the Department of Public Welfare and include the number for reporting suspected child abuse. DPW "may consult with child advocates to determine other information that may be included in the sign" and	<a href="#">Senate Bill 21</a> Any person may make an oral or electronic report of suspected child abuse, or cause an oral or electronic report of suspected child abuse to be made to the department, county or law enforcement, if that person has reasonable cause to suspect that a child is an abused child.	<b>Senate Bill 21 w/ amendment #3409 (Ward)</b>  Any person may make an oral or written report of suspected child abuse, which may be submitted electronically, or cause a report of suspected child abuse to be made to the department, county agency if that person has reasonable

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			they should assure that the sign draws “attention to the telephone number of the ChildLine and Abuse Registry by showing the number in bold type and large font.” The sign must be posted in English, Spanish and “any other language mandated by the Voting Acts of 1965.” Businesses can face criminal penalties for failing to post the sign.		cause to suspect that a child is a victim of child abuse.
<b>Program, activity or service</b>		A public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following: (1) A youth camp or program. (2) A recreational camp or program. (3) A sports or athletic program. (4) An outreach program. (5) An enrichment program. (6) A troop, club or similar organization. An individual participating in a program, activity or service may bear any title, including that of counselor, chaperone, coach, instructor, leader, mentor or other comparable title.	<a href="#">House Bill 434</a> and <a href="#">House Bill 436</a> A public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following: (1) A youth camp or program. (2) A recreational camp or program. (3) A sports or athletic program. (4) An outreach program. (5) An enrichment program. (6) A troop, club or similar organization.		<b>Senate Bill 21 w/ amendment #3409 (Ward)</b>  A public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following: (1) A youth camp or program. (2) A recreational camp or program. (3) A sports or athletic program. (4) An outreach program. (5) An enrichment program. (6) A troop, club or similar organization.
<b>Protective services</b>	Those services and activities provided by the Department of Public Welfare and each county agency for children who are abused or are alleged to be in need of protection under this chapter.	Those services and activities provided by the <b>department</b> and each county agency [that are designed to address one or more of the following: (1) Prevent the occurrence or reoccurrence of child abuse. (2) Ameliorate the effects of child abuse on a child who has been the victim of			

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		child abuse. (3) Alleviate circumstances that create a need for general protective services.			
<b>Recent acts or omissions</b>	Acts or omissions committed within two years of the date of the report to the Department of Public Welfare or county agency.	Eliminated	<a href="#">House Bill 726</a> Recent act or failure to act. Any act or failure to act committed within two years of the date of the report to the Department of Public Welfare or county agency.		
<b>Recklessly</b>			<a href="#">House Bill 726</a> The term shall have the same meaning as provided in 18 PA.C.S. § 302 (Relating to General Requirements of Culpability).  <i><b>NOTE:</b> Here is the <a href="#">Title 18 language</a>: conduct will cause such a result. (3) A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.</i>		<b>Senate Bill 20 w/amendment #03399 (Washington)</b>  As specified in 18 PA.C.S. § 302 (Relating to general requirements of culpability).
<b>Record</b>		Information that is inscribed on a tangible medium or is stored in an electronic or other medium and which is retrievable in perceivable form.			
<b>Relative</b>			<a href="#">House Bill 726</a> A person who is 14 years of age or older and is related to the child within the third degree of consanguinity or affinity, whether or not the individual lives in the same home as the child.		
<b>Reporter</b>			<a href="#">House Bill 404</a> A person, including a mandated reporter, having reasonable cause to suspect that a child under		

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			18 years of age is a victim of child abuse. <b>NOTE:</b> House Bill 404 addresses intimidation and retaliation in child abuse cases.		
<b>Safety assessment</b>	"A Commonwealth-approved systematic process that assesses a child's need for protection or services based on the risk of harm to the child."	A Commonwealth-approved systematic process that assesses a child's need for protection or services based on the threat to the safety of the child.			
<b>School</b>		A facility providing elementary, secondary or post-secondary educational services. The term includes every public, nonpublic, private and parochial school, including each of the following: (1) A school or a class within a school under the supervision of the Department of Education of the Commonwealth. (2) A State-related and State-owned college or university. (3) A public or private college or university. (4) A community college. (5) A vocational-technical school. (6) An intermediate unit. (7) A charter or regional-charter school. (8) A private school licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act. (9) A nonprofit school located in this Commonwealth, other than a public school, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of the act of March 10, 1949 (P.L.30, No.11), known as the Public School Code of 1949, and which meets the requirements of Title VI of the	<a href="#">House Bill 434</a> and <a href="#">House Bill 436</a> A facility providing elementary, secondary or post-secondary educational services. The term includes every public, nonpublic, private and parochial school, including each of the following: (1) A school or a class within a school under the supervision of the Department of Education of the Commonwealth. (2) A State-related and State-owned college or university. (3) A public or private college or university. (4) A community college. (5) A vocational-technical school. (6) An intermediate unit. (7) A charter, cyber-charter or regional-charter school. (8) A private school licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act. (9) A nonprofit school located in this Commonwealth, other than a public school, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of the act of March 10, 1949 (P.L.30, No.11), known as the Public School Code of 1949, and which meets the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000 et seq. <b>NOTE:</b> The bill's definition differs from the Task Force in that they added "cyber charter" to it.	<a href="#">Senate Bill 31</a> A facility providing elementary, secondary or postsecondary education services. The term includes the following: (1) Any school of a school district. (2) An area vocational-technical school. (3) A joint school. (4) An intermediate unit. (5) A charter school or regional charter school. (6) A cyber charter school. (7) A private school licensed under the Act of JANUARY 28, 1988 (P.L.24, NO.11), known as the private academic schools act. (8) A private school accredited by an accrediting association approved by the state board of education. (9) A nonpublic school. NONPUBLIC SCHOOL. (10) A community college which is an institution now or hereafter created pursuant to Article XIX-A of the Act of March 10, 1949 (P.L.30, NO.14), known as the public school code of 1959, or	

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		Civil Rights Act of 1964, 42 U.S.C. 2000 et seq.		the former act of August 24, 1963 (P.L.1132, NO.484), known as the community college act of 1963. (11) An independent institution of higher education which is an institution of higher education which is operated not for profit, for profit, located in and incorporated by chartered by the Commonwealth, entitled to confer degrees as set forth in 24 PA.C.S. § 6505 (relating to power to confer degrees) and entitled to apply to itself the designation “college” or “university as provided for by standards and qualifications prescribed by the State Board of Education pursuant to 24 PA.C.S. CH. 65 (Relating to private colleges, universities and seminaries). (12) A state-owned university. (13) A state-related university. (14) A private school licensed under the Act of December 15, 1986 (P.L.1585, NO.174), known as the private licensed schools act. (15) Hiram G. Andrews Center.	
<b>School employee</b>	An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with	An individual who is employed by a school or who provides a program, activity or service in a school. The term includes an independent contractor that provides a program, activity or service in a school and the employees of that independent contractor.	<a href="#">House Bill 434</a> and <a href="#">House Bill 436</a> An individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term excludes an individual who has not direct contact with children.	<a href="#">Senate Bill 31</a> An individual who is employed by a school or who provides a program, activity or service in a school. The term includes an independent contractor that provides a program, activity or service in a school and the employees of the independent	

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	students.			contractor that is directly responsible for the care, supervision, guidance or training of the child.	
<b>Serious bodily injury</b>	Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.	Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ			
<b>Serious mental injury</b>	A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that: (1) renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or (2) seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.				
<b>Serious physical injury</b>	An injury that: (1) causes a child severe pain; or (2) significantly impairs a child's physical functioning, either temporarily or				

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<b>Serious physical neglect</b>	permanently.	Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning: (1) A repeated, prolonged or egregious failure to supervise a child, in a manner that is appropriate considering the child's developmental age and abilities. (2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.	<a href="#">House Bill 726</a> Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning: (1) A repeated, prolonged or unconscionable failure to supervise a child, in a manner that is appropriate considering the child's developmental age and abilities. (2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care. <i>NOTE: Differs from the Task Force in that the word "egregious" in (1) is replaced with "unconscionable."</i>		<b>Senate Bill 20 w/amendment #03399 (Washington)</b>  Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning: (1) A repeated, prolonged or egregious failure to supervise a child, in a manner that is appropriate considering the child's developmental age and abilities. (2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.
<b>Sexual abuse or exploitation</b>	Any of the following: (1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct. (2) The employment, use, persuasion, inducement, enticement or coercion of	Any of the following: (1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following: (i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.	<a href="#">House Bill 726</a> Any of the following: (1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following: (i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.		

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	<p>a child to engage in or assist another individual to engage in simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming.</p> <p>(3) Any of the following offenses committed against a child:</p> <p>(i) Rape.</p> <p>(ii) Sexual assault.</p> <p>(iii) Involuntary deviate sexual intercourse.</p> <p>(iv) Aggravated indecent assault.</p> <p>(v) Molestation.</p> <p>(vi) Incest.</p> <p>(vii) Indecent exposure.</p> <p>(viii) Prostitution.</p> <p>(ix) Sexual abuse.</p> <p>(x) Sexual exploitation.</p>	<p>(ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device.</p> <p>(iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.</p> <p>(iv) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.</p> <p>(2) Any of the following offenses committed against a child:</p> <p>(i) Rape, as defined in 18 Pa.C.S. § 3121 (relating to rape).</p> <p>(ii) Statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).</p> <p>(iii) Involuntary deviate sexual intercourse, as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).</p> <p>(iv) Sexual assault, as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).</p> <p>(v) Institutional sexual assault, as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).</p> <p>(vi) Aggravated indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).</p> <p>(vii) Indecent assault, as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).</p> <p>(viii) Indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).</p>	<p>(ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purposes of sexual stimulation or gratification of any individual.</p> <p>(iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.</p> <p>(iv) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.</p> <p>This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age.</p> <p>(2) Any of the following offenses committed against a child:</p> <p>(i) Rape, as defined in 18 Pa.C.S. § 3121 (relating to rape).</p> <p>(ii) Statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).</p> <p>(iii) Involuntary deviate sexual intercourse, as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).</p> <p>(iv) Sexual assault, as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).</p> <p>(v) Institutional sexual assault, as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).</p> <p>(vi) Aggravated indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).</p> <p>(vii) Indecent assault, as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).</p> <p>(viii) Indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).</p>		

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		<p>(ix) Incest, as defined in 18 Pa.C.S. § 4302 (relating to incest).</p> <p>(x) Prostitution, as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).</p> <p>(xi) Sexual abuse, as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).</p> <p>(xii) Unlawful contact with a minor, as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).</p> <p>(xiii) Sexual exploitation, as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).</p>	<p>(ix) Incest, as defined in 18 Pa.C.S. § 4302 (relating to incest).</p> <p>(x) Prostitution, as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).</p> <p>(xi) Sexual abuse, as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).</p> <p>(xii) Unlawful contact with a minor, as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).</p> <p>(xiii) Sexual exploitation, as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).</p> <p><b>NOTE:</b> HB 726 adds language about “consensual activities.”</p>		
Statewide database		The Statewide database of protective services cases established under section 6331 (relating to establishment of Statewide database of protective services cases).		<p><a href="#">Senate Bill 24</a></p> <p>The department shall establish and maintain a secure Statewide database to register protective services cases involving reports of child abuse and children in need of general protective services.</p> <p>(b) Information authorized.-- Information in the Statewide database shall include only the following:</p> <ol style="list-style-type: none"> <li>(1) The name, Social Security number, age and sex of the subject of the report.</li> <li>(2) Date relating to the nature of each alleged occurrence that created the need for protective services.</li> <li>(3) The home address of the subject of the report.</li> <li>(4) The county in which each alleged occurrence that created the need for protective services occurred.</li> </ol>	

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				<ul style="list-style-type: none"> <li>(5) Family composition.</li> <li>(6) The name and relationship to the child of other individuals named in the report.</li> <li>(7) Other factors contributing to the need for protective services.</li> <li>(8) The source of the report.</li> <li>(9) Services planned or provided.</li> <li>(10) If a report alleges child abuse, whether the report was determined to be founded, indicated or unfounded.</li> <li>(11) Whether protective services were provided and if protective services were not provided, the reason and whether the family was referred for other community services.</li> <li>(12) Information obtained by the department relating to a perpetrator's request to release, amend or expunge information retained by the department or county agency.</li> <li>(13) The progress of a legal proceeding brought on the basis of the report.</li> <li>(14) Details relating to any criminal investigation undertaken.</li> <li>(15) If an unfounded report is the result of a false report, a notation of the false report and the status of the report.</li> <li>(16) Additional information provided in section 6313(c) (relating to reporting procedure).</li> <li>(17) With respect to cases that do not result in a child abuse</li> </ul>	

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				investigation, the provision of general protective services assessment or a referral for community services: (i) The reasons the report was not accepted. (ii) Information provided to the referral source or the family related to other services or options available to address the report or complaint.	
<b>Student</b>	An individual enrolled in a public or private school, intermediate unit or area vocational-technical school who is under 18 years of age.	A child who is enrolled in a school or participating in a program, activity or service at a school.	<a href="#">House Bill 434</a> A child who is enrolled in a school or participating in a program, activity or service sponsored by a school.		
<b>Subject of the report</b>	Any child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator or school employee named in a report made to the Department of Public Welfare or a county agency under this chapter.	Any of the following individuals named in a report alleging child abuse or a need for general protective services that is made to the department or a county agency under this chapter: (1) A child. (2) A parent or other individual responsible for the child's welfare. (3) An alleged or actual perpetrator.	<a href="#">House Bill 434</a> Any child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator named in a report made to the Department of Public Welfare or a county agency under this chapter.		
<b>Substantiated child abuse</b>	Child abuse as to which there is an indicated report or founded report				
<b>Unfounded report</b>	Any report made pursuant to this chapter unless the report is a founded report or an indicated report				
<b>Victim</b>			<a href="#">House Bill 404</a> A child who has been subjected to child abuse. <b>NOTE:</b> House Bill 404 addresses intimidation and retaliation in child abuse cases.		
<b>Witness</b>			<a href="#">House Bill 404</a>		

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			A person having knowledge of the existence or nonexistence of facts or information relating to child abuse or suspected child abuse. <b>NOTE:</b> House Bill 404 addresses intimidation and retaliation in child abuse cases.		