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## Senate Aging & Youth Committee

Senator Bob Mensch

*Chairman*

*Geri Lynn Sarfert, Executive Director*

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Room 459 Capitol Building • Senate Box 203024, Harrisburg, Pennsylvania 17120-3024 • 717-787-3110 • Fax: 717-787-8004

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### **Analysis Amendment #A03409 to Senate Bill 21, P.N. 680**

#### **Amendment Sponsor: K. Ward**

- Adds the definitions:
  - “Direct contact with children” is the care, supervision, guidance or control of children or routine interaction with children.
  - “Independent contractor” is 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 excludes an individual who, in his capacity as an independent contractor, has no direct contact with children.
  - “Mandated reporter” is a person who is required by the chapter to make a report of suspected child abuse.
  - “Program, activity or service” is a public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:
    - A youth camp or program
    - A recreational camp or program
    - A sports or athletic program
    - An outreach program
    - An enrichment program
    - A troop, club or similar organization
- Mandated reporters is amended by:
  - Stipulating mandated reports are adults.
  - Including a person certified in any health-related field by the Department of State.
  - Removing references to entities as mandated reporters and clarifies it is providers or employees who are the mandated reporters.
  - Including 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, rather than an individual simply taking responsibility for a child.

- Including independent contractor.
- Amends the basis to report provisions by:
  - Removing the ability for a mandated report to delegate reporting responsibility.
  - Mandated reporters must make a report of suspected child abuse if:
    - They come into contact with the child through a regularly scheduled program, activity or service in the course of his employment, occupation, and practice of profession
    - They are 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 that is.
    - A person makes a specific disclosure to him that an identifiable child is the victim of child abuse.
    - A person over 14 years of age tells the mandated reporter that they have committed child abuse.
- Amends the privileged communications provisions by:
  - Retaining current law on privileged communication which only pertains to attorneys and clergy members.
- Makes medical summaries of reports of photographs, x-rays and relevant medical tests available to law enforcement.
- Makes multiple technical changes throughout the bill.
- Effective date:
  - Changes the effective date to January 1, 2014