

# Pennsylvania State Senate

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## Senate Co-Sponsorship Memoranda

### Senate of Pennsylvania Session of 2021 - 2022 Regular Session

#### MEMORANDUM

**Posted:** December 21, 2020 05:45 PM  
**From:** [Senator Judy Ward](#) and [Sen. Maria Collett](#)  
**To:** All Senate members  
**Subject:** Child Protective Services Law Revisions

We plan to introduce legislation that would revise the Child Protective Services Law (CPSL) based on Commonwealth Court case law, experienced deficiencies and other issues. These changes were identified by DHS' Office of Children, Youth and Families (OCYF) as a priority to better protect children. The measure would amend the CPSL in the following ways:

- 1) **Remove Child Protective Service & General Protective Service Expungement Timeframes.** Currently, county children and youth agencies do not have to expunge information, but the state does. Not expunging unfounded or unsubstantiated reports will allow for a more comprehensive understanding of a child and/or family's prior child welfare involvement, and to improve and inform the quality and consistency of protective services, particularly families who are transient between counties and/or states.
- 2) **Amend the definition of "child abuse".** The current definition of "child abuse" includes bringing a child to where methamphetamine is being cooked, but does not include actually cooking meth in front of a child. The Bureau of Hearings and Appeals (BHA) has interpreted this language to limit only indicating the person who physically transported the child to the location of the meth lab and does not allow for the indication of the person who is cooking meth or running the lab.
- 3) **Clarify what happens with reports that are founded after entry into ARD.** The 2014 amendments to the CPSL included a change in the definition of "founded report" and now includes "an acceptance into an accelerated rehabilitative disposition (ARD) program and the reason for the acceptance involves the same factual circumstances involved in the allegation of child abuse." The law is unclear, however, as to what happens to a report founded on ARD after ARD is successfully completed. This revision clarifies that after successful completion of ARD, the founded report should be changed to an indicated report and the perpetrator can appeal the indicated decision to the BHA.
- 4) **Streamline the fatality/near fatality review process.** The OCYF worked with stakeholders on a number of ways to improve and streamline the fatality/near fatality review process. The proposal would include changes such as revising the review process timeframe and creating the option of regionalized child abuse fatality and near fatality review teams for those counties who have infrequent reviews to enhance the team's expertise on review team processes and requirements.
- 5) **Share information under the Notification Protocol update.** The Notification Protocol Bulletin for Formal Licensing Actions and Incidents has raised issues with the lack of information about child residential facilities, foster and pre-adoptive home and Youth Development Centers and Youth Forestry Camps that can be shared with dependency and delinquency judges and county agencies due to confidentiality provisions in the CPSL. Spelling out which information can be shared would help these entities that are charged with placing children.
- 6) **Court order for drug testing.** The PA Supreme Court in D.R., 45 WAP 2019 held, in part, that the CPSL does not provide authority to compel an involuntary urine sample during the course of a child abuse investigation. Requesting such tests is routine for some counties and amending the CPSL would provide the authority to do so that the court found to be lacking. The bill provides that if there is evidence that substance use may be a contributing factor causing the alleged abuse or neglect in an *investigation*, the county agency may seek a court order to compel appropriate drug/alcohol testing.

Please join us in cosponsoring this important piece of legislation.