

JERE W. SCHULER, MEMBER  
HOUSE POST OFFICE BOX 202020  
MAIN CAPITOL BUILDING  
HARRISBURG, PA 17120-2020  
PHONE: (717) 783-8422  
FAX: (717) 787-5713

MUNICIPAL BUILDING  
852 VILLAGE ROAD  
POST OFFICE BOX 268  
LAMPETER, PA 17537-0268  
PHONE: (717) 464-5285



*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
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March 3, 1999

John H. McGinley, Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harristown 2  
Harrisburg, PA 17101

Dear Chairman McGinley:

Enclosed please find our suggestions regarding technical issues arising in the final form Child Protective Services regulations.

We have requested of the Department of Public Welfare additional, clarifying information to address questions related to the following sections in the regulation:

**(1) Section 3490.61 (Supervisory review and child contacts) and Section 3490.235 (Services available through the county agency for children in need of general protective services)**

Subsections 3490.61(c) and (e) and subsections 3490.235(c) and (g), outline new visitation requirements for county agencies' cases under both child protective services and general protective services.

The Department indicated during the review process related to the proposed regulations that it could not provide a definitive answer regarding the number of children assessed by county agencies as being at high risk, moderate risk or low risk of further abuse or neglect. However, the Committee cannot responsibly evaluate the potential impact and application of the proposed changes without this information. While we understand the inherently fluid nature of risk assessments, we would appreciate the department supplying the Committee with several "snapshots in time" which outline the numbers of high risk, moderate risk, and low risk children on specific dates in 1998.

**(2) Section 3490.91 (Persons to whom child abuse information shall be made available)**

The Department indicates in its comments that the purpose of the final form exception in subsection (a) is to exclude guardian ad litem from civil or criminal liability for the release of confidential child abuse information while representing children.

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## **Comments on DPW Final Form Regulation #14-441**

### **Section 3490.11 (Reporting suspected child abuse)**

Subsection (b) clarifies that a person other than a school employee having reasonable cause to suspect student abuse may report the suspected abuse to the school administrator *as defined in section 3490.151 (relating to required reporting)*.

The committee recommends that the regulations remove the phrase "*as defined in section 3490.151 (relating to required reporting)*" and insert in its place the phrase, "*as required by sections 3490.151(c) and 3490.152 (a) and (c)*". Such a change would ensure the most accurate citation of the applicable sections in the regulations which obligate administrators to make a report of suspected student abuse when an administrator learns of suspected abuse from a person other than a school employee.

### **Section 3490.132 (Responsibilities of an administrator)**

Section 3490.132(b) and (c) outline the proposed requirements for when a clearance statement shall and shall not be required for individuals transferring from one position to another within the same school building or school district or organization.

In light of the concerns raised over the Department's interpretation of the statute with regard to transfers, the Committee recommends the removal of (b) and (c) and the insertion of language reflecting Section 6355(a)(2)(i) and (ii) of the Child Protective Services Law.

### **Section 3490.321 (Establishment of standards for a risk assessment process)**

Subsection (f) makes an inaccurate reference to subsection (d). The Committee recommends referencing subsection (e).