

No. 2016-78

AN ACT

SB 917

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for interagency information sharing.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 6352.2. Interagency information sharing.

(a) Scope.—This section shall apply to court-approved interagency information-sharing agreements entered into in accordance with this section. Nothing in this section shall preclude the sharing of information not otherwise prohibited by law.

(b) General rule.—The contents of county agency, juvenile probation department, drug and alcohol, mental health and education records regarding a child who is the subject of an open child protective services or general protective services investigation, who is alleged to be dependent, who has been accepted for service by a county agency, who has been placed under supervision under an informal adjustment or consent decree, who has been found to have committed a delinquent act or who has been found to be dependent or delinquent shall be provided, upon request, to the county agency, court or juvenile probation department, under and except as prohibited by the following:

(1) This chapter.

(2) Section 5944 (relating to confidential communications to psychiatrists or licensed psychologists).

(3) The act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances."

(4) The act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.

(5) The act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act.

(6) Federal law, including the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g), the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936) and the procedures, limitations and criteria set forth in regulations adopted by the Department of Health and Human Services relating to the confidentiality of drug and alcohol treatment records.

(c) Sharing of information.—

(1) The county agency, court or juvenile probation department shall, in accordance with the procedures established under this section, use the information contained in the records in furtherance of a

disposition under this chapter of the child who is the subject of the records. Unless otherwise prohibited by this chapter or by the statutes or regulations listed under subsection (b)(2), (3), (4), (5) and (6), the information contained in the records may, notwithstanding any other provision of law, be shared among authorized representatives of the county agency, court and juvenile probation department in furtherance of a disposition under this chapter of the child, or, if no child-specific or other confidential information is disclosed, in furtherance of efforts to identify and provide services to children who are determined to be at risk of child abuse, parental neglect or initial or additional delinquent behavior.

(2) Unless otherwise prohibited under this chapter or by the statutes or regulations listed under subsection (b)(2), (3), (4), (5) and (6) or any other provision of law, the information under paragraph (1) may also be shared with other agencies or entities if there is a specific need to do so. The information shall be shared for the limited purposes set forth under this section under an interagency information-sharing agreement developed under subsection (d) or upon order of court or the written consent of the parent or guardian of the child who is the subject of the records or any person, including the child, otherwise having the authority to consent to the sharing of the information.

(d) Interagency information-sharing agreements.—

(1) Subject to approval of the court and the requirements of this chapter and the statutes and regulations listed under subsection (b)(2), (3), (4), (5) and (6), an interagency information-sharing agreement may be developed in each county among the county agency, juvenile probation department, local law enforcement agencies, mental health agencies, drug and alcohol agencies, local school districts and other agencies and entities as deemed appropriate, to enhance the coordination of case management services to and the supervision of children who have been accepted for service by a county agency, who are being supervised under an informal adjustment or a consent decree, who have been found to have committed a delinquent act or who have been found to be dependent or delinquent, to enhance the coordination of efforts to identify children who may be at risk of child abuse, parental neglect or initial or additional delinquent behavior and to provide services to these children and their families. Any agreement under this subsection shall be signed by the chief executive officers of the entities referred to in this section as well as the public defender's office and guardian ad litem in each county and shall be submitted to the court for approval. In counties that do not have agencies with primary responsibility for representing delinquent or dependent children, the court shall designate attorneys at law with experience in representing those children to satisfy the requirements of this paragraph.

(2) All interagency information-sharing agreements shall, at a minimum, do all of the following:

(i) Provide that information will be shared under this chapter and the statutes or regulations listed under subsection (b)(2), (3),

(4), (5) and (6) to enhance the coordination of case management services to and the supervision of children who have been found to be dependent or delinquent, who are being supervised under an informal adjustment or a consent decree, who have been found to have committed a delinquent act or who have been accepted for service by a county agency, and to enhance the coordination of efforts to identify children who may be at risk of child abuse, parental neglect or initial or additional delinquent behavior and to provide services to these children and their families.

(ii) Whenever possible, the preferred method for obtaining authorization to share confidential information shall be upon the written, informed consent of the person authorized under applicable law to consent to the release of information after that person has been provided a full understanding of the circumstances under which and with whom the information will be shared.

(iii) Set forth the specific activities in which the signatories and the signatories' representatives will engage, either collectively or individually, in furtherance of the purposes of the agreement.

(iv) Prohibit the release of information shared under this agreement with other parties, except as otherwise required or permitted by statute.

Section 2. This act shall take effect in 60 days.

APPROVED—The 8th day of July, A.D. 2016

TOM WOLF