

# Pennsylvania

PENNSYLVANIA STATUTES  
TITLE 35. HEALTH AND SAFETY  
CHAPTER 38B. AMBER ALERT SYSTEM

35 P.S. § 7025.1

§ 7025.1. Pennsylvania Amber Alert System established

The Pennsylvania State Police shall establish and maintain the Pennsylvania Amber Alert System to assist in the recovery of abducted children through prompt notification to the general public and appropriate law enforcement authorities. The Pennsylvania State Police shall establish such protocols and procedures as are necessary for the effective operation of this system and shall educate and inform local law enforcement agencies and the public with regard to its availability.

§ 7025.2. Prohibited use

The transmission, broadcast or other communication of a public alert, other than through the Pennsylvania Amber Alert System, intentionally, knowingly, recklessly or negligently purporting to be made by, with or through the authority of the Pennsylvania Amber Alert System is prohibited and shall be subject to a civil penalty of not more than \$ 5,000.

§ 7025.3. Coordination with other jurisdictions

The Pennsylvania State Police shall coordinate with the authorities of the various states and the Federal Government that are responsible within their respective jurisdictions for the recovery of abducted children to establish and execute the procedures appropriate to the effective fulfillment of its responsibilities under section 1.

§ 7025.4. Assessment of cost

Unless the court finds that undue hardship would result, in addition to any other cost imposed by law, a cost of \$ 25 shall automatically be assessed on each person convicted, adjudicated delinquent or granted accelerated rehabilitative disposition (ARD) of the offenses named in this section. The cost shall be forwarded to the Commonwealth and used by the Pennsylvania State Police to establish and maintain the Pennsylvania Amber Alert System and apply to the following offenses:

18 Pa.C.S. § 2901 (relating to kidnapping).

18 Pa.C.S. § 2902 (relating to unlawful restraint).

18 Pa.C.S. § 2903 (relating to false imprisonment).

18 Pa.C.S. § 2904 (relating to interference with custody of children).

18 Pa.C.S. § 2905 (relating to interference with custody of committed persons).

18 Pa.C.S. § 2906 (relating to criminal coercion).

18 Pa.C.S. § 2907 (relating to disposition of ransom).

18 Pa.C.S. § 2908 (relating to missing children).

18 Pa.C.S. § 2909 (relating to concealment of whereabouts of a child).

18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle).

#### § 7025.5. Immunity

(a) **MEDIA IMMUNITY.**-- Owners, licensees, operators and employees of any communication medium, including, but not limited to, telephone, radio, television, newspaper, digital communications network or global communications network, shall be immune from civil liability for their good faith conduct while participating in accordance with this act.

(b) **GOOD SAMARITAN IMMUNITY.**-- Any person who provides, obtains or attempts to provide or obtain assistance for a child who is the subject of a Pennsylvania Amber Alert System notice shall be immune from civil liability for acts or omissions in providing or obtaining or attempting to provide or obtain assistance except for acts or omissions intended to cause harm and for which the law does not recognize justification or that constitute gross negligence or willful, wanton or reckless conduct.

PENNSYLVANIA CONSOLIDATED STATUTES  
TITLE 18. CRIMES AND OFFENSES  
PART II. DEFINITION OF SPECIFIC OFFENSES  
ARTICLE B. OFFENSES INVOLVING DANGER TO THE PERSON  
CHAPTER 29. KIDNAPPING

#### § 2908. Missing children

(a) **DUTIES OF LAW ENFORCEMENT AGENCIES.** --Law enforcement agencies shall have the following duties with respect to missing children:

(1) To investigate a report of a missing child immediately upon receipt of the report regardless of the age of the missing child or the circumstances surrounding the disappearance of the child. In no case shall law enforcement agencies impose a mandatory waiting period prior to commencing the investigation of a missing child.

(2) When conducting a missing child investigation, to record all information relevant to the missing child and the circumstances surrounding the disappearance of the missing child on the appropriate law enforcement investigative report.

(3) To make an entry into the Missing Persons File through the Commonwealth Law Enforcement Assistance Network (CLEAN) in accord with Pennsylvania State Police policy and procedures immediately upon receipt of sufficient identification information on the missing child.

(3.1) To make an entry into the Unidentified Persons File through Commonwealth Law Enforcement Assistance Network (CLEAN) in accord with Pennsylvania State Police policy and procedures immediately upon:

(i) taking custody of an unidentified living child, such as an infant, or a physically or mentally disabled child; or

(ii) discovering an unidentified deceased child.

(4) To insure timely cancellation of any entry made pursuant to this section where the missing child has returned or is located.

(A.1) UNIDENTIFIED DECEASED CHILDREN.-- Law enforcement agencies and coroners shall, with respect to unidentified deceased children, have the duty to make an entry into the Unidentified Deceased Person File through the Commonwealth Law Enforcement Assistance Network (CLEAN) in accordance with Pennsylvania State Police policy and procedures immediately upon observing or receiving any descriptive information on an unidentified deceased child.

(b) DEFINITION. --As used in this section the term "CHILD" means a person under 18 years of age.

PENNSYLVANIA STATUTES  
TITLE 35. HEALTH AND SAFETY  
CHAPTER 2. REGISTRATION OF VITAL STATISTICS  
VITAL STATISTICS LAW OF 1953  
ARTICLE IV-A. MISSING CHILDREN REGISTRATION

§ 450.401-A. Missing children registration: definitions

As used in this article--

(1) "DIVISION" means the Division of Vital Records of the Department of Health.

(2) "INVESTIGATING LAW ENFORCEMENT AGENCY" means the Pennsylvania State Police or local police force responsible for investigating missing persons or children reports within the political subdivision where the child was reported lost, abducted, missing or runaway.

(3) "MISSING CHILD" means an individual under eighteen (18) years of age who is reported to a law enforcement agency as abducted, lost, missing or a runaway.

(4) "SCHOOL DISTRICT" means the last known school which the missing child attended.

(2) "STATE POLICE" means the Pennsylvania State Police.

#### § 450.402-A. Missing children registration: investigating law enforcement agency

An investigating law enforcement agency shall report to the school district and immediately notify the division for the purpose specified in section 403-A of this act that an individual under eighteen (18) years of age is lost, abducted, missing or a runaway. The investigating law enforcement agency shall notify the school district and the division upon recovery of a child who was the subject of a report.

#### § 450.403-A. Missing children registration: notations on birth and school records

If the division receives notification of a missing child, it shall make a notation on the birth certificate record of the missing child so that, if that birth certificate is requested, the division will be alerted to the fact that the birth certificate is that of a missing child. When the division is notified of the recovery of a missing child, it shall remove the notation. When a school receives notification of a missing child, it shall make a notation on the school record of the missing child so that, if that school record is requested, the school will be alerted to the fact that the school record is that of a missing child. If the school is notified of the recovery of a missing child, it shall remove the notation.

#### § 450.404-A. Missing children registration: requests for information

When the division or a school receives a request for information from a record which has a "Missing Child" notation, no information contained in the record shall be released to the requester prior to contact with the investigating law enforcement agency. The division and schools shall make an effort to obtain information to identify the person whose request is verbal. The division or school receiving the request shall contact the investigating law enforcement agency to coordinate the response.

PENNSYLVANIA CONSOLIDATED STATUTES  
TITLE 23. DOMESTIC RELATIONS  
PART VII. ABUSE OF FAMILY  
CHAPTER 63. CHILD PROTECTIVE SERVICES  
SUBCHAPTER C. POWERS AND DUTIES OF DEPARTMENT

23 Pa.C.S. § 6340

§ 6340. Release of information in confidential reports

(a) GENERAL RULE.-- Reports specified in section 6339 (relating to confidentiality of reports) shall only be made available to:

(1) An authorized official of a county agency or of an agency of another state that performs protective services analogous to those services performed by county agencies or the department in the course of the official's duties, multidisciplinary team members assigned to the case and duly authorized persons providing services pursuant to section 6370(a) (relating to voluntary or court-ordered services; findings of child abuse).

(2) A physician examining or treating a child or the director or a person specifically designated in writing by the director of any hospital or other medical institution where a child is being treated when the physician or the director or the designee of the director suspects the child of being an abused child or a child alleged to be in need of protection under this chapter.

(3) A guardian ad litem or court designated advocate for the child.

(4) An authorized official or agent of the department in accordance with department regulations or in accordance with the conduct of a performance audit as authorized by section 6343 (relating to investigating performance of county agency).

(5) A court of competent jurisdiction, including a magisterial district judge, a judge of the Philadelphia Municipal Court and a judge of the Pittsburgh Magistrates Court, pursuant to court order or subpoena in a criminal matter involving a charge of child abuse under section 6303(b) (relating to definitions). Disclosure through testimony shall be subject to the restrictions of subsection (c).

(5.1) A court of common pleas in connection with any matter involving custody of a child. The department shall provide to the court any reports and files which the court considers relevant.

(6) A standing committee of the General Assembly, as specified in section 6384 (relating to legislative oversight).

(7) The Attorney General.

(8) Federal auditors if required for Federal financial participation in funding of agencies except that Federal auditors may not remove identifiable reports or copies thereof from the department or county agencies.

(9) Law enforcement officials of any jurisdiction, as long as the information is relevant in the course of investigating cases of:

(i) Homicide or other criminal offense set forth in section 6344(c) (relating to information relating to prospective child-care personnel), sexual abuse, sexual exploitation, serious bodily injury or serious physical injury perpetrated by persons whether or not related to the victim.

(ii) Child abuse perpetrated by persons who are not family members.

(iii) Repeated physical injury to a child under circumstances which indicate that the child's health, safety or welfare is harmed or threatened.

(iv) A missing child report.

(10) The district attorney or his designee or other law enforcement official, as set forth in the county protocols for investigative teams required in section 6365(c) (relating to services for prevention, investigation and treatment of child abuse), shall receive, immediately after the county agency has ensured the safety of the child, reports of abuse, either orally or in writing, according to regulations promulgated by the department, from the county agency in which the initial report of suspected child abuse or initial inquiry into the report gives evidence that the abuse is:

(i) a criminal offense set forth in section 6344(c), not including an offense under 18 Pa.C.S. § 4304 (relating to endangering welfare of children) or an equivalent crime under Federal law or the law of another state, sexual abuse, sexual exploitation or serious bodily injury perpetrated by persons, whether or not related to the victim;

(ii) child abuse perpetrated by persons who are not family members; or

(iii) serious physical injury involving extensive and severe bruising, burns, broken bones, lacerations, internal bleeding, shaken baby syndrome or choking or an injury that significantly impairs a child's physical functioning, either temporarily or permanently.

(11) Designated county officials, in reviewing the competence of the county agency or its employees pursuant to this chapter. Officials under this paragraph are limited to the following:

(i) The board of commissioners in counties other than counties of the first class.

(ii) Mayor in a city of the first class under the act of April 21, 1949 (P.L. 665, No. 155), known as the First Class City Home Rule Act.

(iii) An individual serving as a county chief executive as designated by a county home rule charter or optional plan form of government pursuant to the act of April 13, 1972 (P.L. 184, No. 62), known as the Home Rule Charter and Optional Plans Law.

(12) A mandated reporter of suspected child abuse as defined in section 6311 (relating to persons required to report suspected child abuse) who made a report of abuse involving the

subject child, but the information permitted to be released to the mandated reporter shall be limited to the following:

(i) The final status of the child abuse report following the investigation, whether it be indicated, founded or unfounded.

(ii) Any services provided, arranged for or to be provided by the county agency to protect the child.

(13) Persons required to make reports under Subchapter C.1 (relating to students in public and private schools). Information under this paragraph shall be limited to the final status of the report following the investigation as to whether the report is indicated, founded or unfounded.

(14) A prospective adoptive parent, approved by an adoption agency, when considering adopting an abused child in the custody of a county agency. The county agency having custody of the child and the adoption agency shall determine the scope and detail of information which must be provided so that the prospective parent may make an informed decision to adopt.

(15) Appropriate officials of another county or state regarding an investigation related to child abuse or protective services when a family has moved to that county or state. Reports under this paragraph shall include general protective service reports and related information. Reports and information under this paragraph shall be provided within seven calendar days. The department shall promulgate regulations as necessary to carry out the purposes of this paragraph.

(b) RELEASE OF INFORMATION TO SUBJECT OF REPORT.-- At any time and upon written request, a subject of a report may receive a copy of all information, except that prohibited from being disclosed by subsection (c), contained in the Statewide central register or in any report filed pursuant to section 6313 (relating to reporting procedure).

(c) PROTECTING IDENTITY OF PERSON MAKING REPORT.-- Except for reports pursuant to subsection (a)(9) and (10), the release of data that would identify the person who made a report of suspected child abuse or the person who cooperated in a subsequent investigation is prohibited unless the secretary finds that the release will not be detrimental to the safety of that person. Law enforcement officials shall treat all reporting sources as confidential informants.

(d) EXCLUSION OF ADMINISTRATIVE INFORMATION.-- Information maintained in the Statewide central register which was obtained from an investigating agency in relation to an appeal request shall not be released to any person except a department official, as provided by regulation.

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