

No. 1990-206

AN ACT

HB 1023

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to domestic relations; making conforming amendments to Titles 18 and 42; and repealing certain acts and parts of acts supplied by the act or otherwise obsolete.

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CHILD PROTECTIVE SERVICES

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SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

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§ 6301. Short title of chapter.

This chapter shall be known and may be cited as the Child Protective Services Law.

§ 6302. Finding and purpose of chapter.

(a) Finding.--Abused children are in urgent need of an effective child protective service to prevent them from suffering further injury and impairment.

(b) Purpose.--It is the purpose of this chapter to encourage more complete reporting of suspected child abuse and to establish in each county a child protective service capable of investigating such reports swiftly and competently, providing protection for children from further abuse and providing rehabilitative services for children and parents involved so as to ensure the well-being of the child and to preserve and stabilize family life wherever appropriate.

(c) Effect on rights of parents.--This chapter does not restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children.

§ 6303. Definitions. The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Child abuse." Serious physical or mental injury which is not explained by the available medical history as being accidental, sexual abuse, sexual exploitation or serious physical neglect of a child under 18 years of age if the injury, abuse or neglect has been caused by the acts or omissions of the child's parents or by a person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent. No child shall be deemed to be physically or mentally abused for the sole reason the child is in good faith being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof or is not provided specified medical treatment in the practice of religious beliefs, or solely on the grounds of environmental factors which are beyond the control of the person responsible for the welfare of the child such as inadequate housing, furnishings, income, clothing and medical care.

"Child-care services." Child day-care centers, group and family day-care homes, foster homes, adoptive parents, boarding homes for children, juvenile detention center services or programs for delinquent or dependent children; mental health, mental retardation and drug and alcohol services for children; and any other child-care services which are provided by or subject to approval, licensure, registration or certification by the department or a county social services agency or which are provided pursuant to a contract with these departments or a county social services agency. The term does not include such services or programs which may be offered by public and private schools, intermediate units or area vocational-technical schools.

"Child protective service." That section of each county children and youth social service agency required to be established by section 6361 (relating to organization of child protective service).

"Cooperation with an investigation." Includes, but is not limited to, a school or school district which permits authorized personnel from the department or child protection services to interview a student while the student is in attendance at school.

"Department." The Department of Public Welfare of the Commonwealth.

"Expunge." To strike out or obliterate entirely so that the expunged information may not be stored, identified or later recovered by any mechanical or electronic means or otherwise.

"Family members." Spouses, parents and children or other persons related by consanguinity or affinity.

"Founded report." A report made pursuant to this chapter if there has been any judicial adjudication based on a finding that a child who is a subject of the report has been abused.

"Indicated report." A report made pursuant to this chapter if an investigation by the child protective service determines that substantial evidence of the alleged abuse exists based on any of the following:

- (1) Available medical evidence.
- (2) The child protective service investigation.
- (3) An admission of the acts of abuse by the parent of the child or person responsible for the welfare of the child.

"Secretary." The Secretary of Public Welfare of the Commonwealth.

"Sexual abuse." The obscene or pornographic photographing, filming or depiction of children for commercial purposes or the rape, molestation, incest, prostitution or other forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations of the department.

"Subject of the report." Any child reported to the central register of child abuse and a parent, guardian or other responsible person also named in the report.

"Under investigation." A report pursuant to this chapter which is being investigated to determine whether it is "founded," "indicated" or "unfounded."

"Unfounded report." Any report made pursuant to this chapter unless the report is a "founded report" or unless an investigation by the appropriate child protective service determines that the report is an "indicated report."

SUBCHAPTER B REPORTING SUSPECTED CHILD ABUSE

Sec.

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§ 6311. Persons required to report suspected child abuse.

(a) General rule.--Persons who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made in accordance with section 6313 (relating to reporting procedure) when they have reason to believe, on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is an

abused child. The privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report as required by this chapter.

(b) Enumeration of persons required to report.--Persons required to report under subsection (a) include, but are not limited to, any licensed physician, osteopath, medical examiner, coroner, funeral director, dentist, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, a Christian Science practitioner, school administrator, school teacher, school nurse, social services worker, day-care center worker or any other child-care or foster-care worker, mental health professional, peace officer or law enforcement official.

(c) Staff members of institutions, etc.--Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with section 6313. This chapter does not require more than one report from any such institution, school, facility or agency.

(d) Civil action for discrimination against person filing report.--Any person who, under this section, is required to report or cause a report of suspected child abuse to be made and who, in good faith, makes or causes the report to be made and, as a result thereof, is discharged from his employment or in any other manner is discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, may commence an action in the court of common pleas of the county in which the alleged unlawful discharge or discrimination occurred for appropriate relief. If the court finds that the person is an individual who, under this section, is required to report or cause a report of suspected child abuse to be made and who, in good faith, made or caused to be made a report of suspected child abuse and, as a result thereof, was discharged or discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, it may issue an order granting appropriate relief, including, but not limited to, reinstatement with back pay. The department may intervene in any action commenced under this subsection.

§ 6312. Persons permitted to report suspected child abuse.

In addition to those persons and officials required to report suspected child abuse, any person may make such a report if that person has reasonable cause to suspect that a child is an abused child.

§ 6313. Reporting procedure.

(a) General rule.--Reports from persons required to report under section 6311 (relating to persons required to report suspected child abuse) shall be made immediately by telephone and in writing within 48 hours after the oral report.

(b) Oral reports.--Oral reports shall be made to the department pursuant to Subchapter C (relating to powers and duties of department) and may be made to the appropriate child protective service. When oral reports of suspected child abuse are initially received at the child protective service, the child protective service shall, after seeing to the immediate safety of the child and other children in the home, immediately notify the department of the receipt of the report, which is to be held in the pending complaint file as provided in Subchapter C. The initial child abuse report summary shall be supplemented with a written report when a determination is made as to whether a report of suspected child abuse is a founded report, an unfounded report or an indicated report.

(c) Written reports.--Written reports from persons required to report under section 6311 shall be made to the appropriate child protective service in a manner and on forms the department prescribes by regulation. The written reports shall include the following information if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the child.
- (4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.
- (5) The name of the person or persons responsible for causing the suspected abuse, if known.
- (6) Family composition.
- (7) The relationship of the suspected perpetrator to the child.
- (8) The source of the report.
- (9) The person making the report and where that person can be reached.
- (10) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.
- (11) Any other information which the department may require by regulation.

(d) Failure to confirm oral report.--The failure of a person reporting cases of suspected child abuse to confirm an oral report in writing within 48 hours shall not relieve the child protective service from any duties prescribed by this chapter. In such event, the child protective service shall proceed as if a written report were actually made.

§ 6314. Photographs and X-rays of child subject to report.

A person or official required to report cases of suspected child abuse may take or cause to be taken photographs of the areas of trauma visible on a child who is subject to a report and, if medically indicated, cause to be performed a radiological examination on the child. Medical summaries or reports of the photographs or X-rays taken shall be sent to the child protective service at the time the written report is sent or as soon thereafter as possible. Child protective services shall have access to the actual photographs and X-rays and may obtain them or duplicates of them upon request.

§ 6315. Taking child into protective custody.

(a) General rule.--A child may be taken into protective custody:

- (1) As provided by 42 Pa.C.S. § 6324 (relating to taking into custody).
- (2) By a physician examining or treating the child or by the director, or a person specifically designated in writing by the director, of any hospital or other medical

institution where the child is being treated if protective custody is immediately necessary to protect the child from further serious physical injury, sexual abuse or serious physical neglect.

(b) Duration of custody.--No child may be held in protective custody for more than 24 hours unless the appropriate child protective service is immediately notified that the child has been taken into custody and the child protective service obtains an order from a court of competent jurisdiction permitting the child to be held in custody for a longer period. Each court shall insure that a judge is available 24 hours a day, 365 days a year to accept and decide the actions brought by a child protective service under this subsection within the 24-hour period.

(c) Notice of custody.--An individual taking a child into protective custody under this chapter shall immediately, and within 24 hours in writing, notify the parent, guardian or other custodian of the child of the whereabouts of the child and the reasons for the need to take the child into protective custody and shall immediately notify the appropriate child protective service in order that proceedings under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) may be initiated, if appropriate.

(d) Detention hearing.--In no case shall protective custody under this chapter be maintained longer than 72 hours without a detention hearing. If, at the detention hearing, it is determined that protective custody shall be continued, the child protective service shall within 48 hours file a petition with the court under 42 Pa.C.S. Ch. 63.

(e) Place of detention.--No child taken into protective custody under this chapter may be detained during the protective custody except in an appropriate medical facility, foster home or other appropriate facility approved by the department for this purpose.

(f) Conference with parent or other custodian.--A conference between the parent, guardian or other custodian of the child taken into temporary protective custody pursuant to this section and the caseworker designated by the child protection service to be responsible for the child shall be held within 48 hours of the time that the child is taken into custody for the purpose of:

- (1) Explaining to the parent, guardian or other custodian the reasons for the temporary detention of the child and the whereabouts of the child.
- (2) Expediting, wherever possible, the return of the child to the custody of the parent, guardian or other custodian where custody is no longer necessary.

§ 6316. Admission to private and public hospitals.

(a) General rule.--Children appearing to suffer any physical or mental trauma which may constitute child abuse shall be admitted to and treated in appropriate facilities of private and public hospitals on the basis of medical need and shall not be refused or deprived in any way of proper medical treatment and care.

(b) Failure of hospital to admit child.--The failure of a hospital to admit and properly treat and care for a child pursuant to subsection (a) shall be cause for the department to order immediate admittance, treatment and care by the hospital which shall be enforceable, if necessary, by the prompt institution of a civil action by the department. The child, through an attorney, shall also have the additional and independent right to

seek immediate injunctive relief and institute an appropriate civil action for damages against the hospital.

§ 6317. Reporting and postmortem investigation of deaths.

A person or official required to report cases of suspected child abuse, including employees of a county children and youth social service agency and its child protective service, who has reasonable cause to suspect that a child died as a result of child abuse shall report that fact to the coroner. The coroner shall accept the report for investigation and shall report his finding to the police, the district attorney, the appropriate child protective service and, if the report is made by a hospital, the hospital.

§ 6318. Immunity from liability.

(a) General rule.--A person, hospital, institution, school, facility or agency participating in good faith in the making of a report, cooperating with an investigation or testifying in a proceeding arising out of an instance of suspected child abuse, the taking of photographs or the removal or keeping of a child pursuant to section 6315 (relating to taking child into protective custody) shall have immunity from any civil or criminal liability that might otherwise result by reason of those actions.

(b) Presumption of good faith.--For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to section 6311 (relating to persons required to report suspected child abuse) shall be presumed.

§ 6319. Penalties for failure to report.

A person or official required by this chapter to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

**SUBCHAPTER C
POWERS AND DUTIES OF DEPARTMENT**

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§ 6331. Establishment of pending complaint file and Statewide central register.

There shall be established in the department:

- (1) A pending complaint file of child abuse reports under investigation.
- (2) A Statewide central register of child abuse which shall consist of founded and indicated reports of child abuse.

§ 6332. Establishment of Statewide toll-free telephone number.

(a) General rule.--The department shall establish a single Statewide toll-free telephone number that all persons, whether mandated by law or not, may use to report cases of suspected child abuse. A child protective service may use the Statewide toll-free telephone number for determining the existence of prior founded or indicated reports of child abuse in the Statewide central register or reports under investigation in the pending complaint file.

(b) Limitation on use.--A child protective service may only request and receive information pursuant to this subsection either on its own behalf because it has received a report of suspected child abuse or on behalf of a physician examining or treating a child or on behalf of 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, where the physician or the director or a person specifically designated in writing by the director suspects the child of being an abused child.

§ 6333. Continuous availability of department.

The department shall be capable of receiving oral reports of child abuse made pursuant to this chapter and report summaries of child abuse from child protective services and shall be capable of immediately identifying prior reports of child abuse in the Statewide central register and reports under investigation in the pending complaint file and of monitoring the provision of child protective services 24 hours a day, seven days a week.

§ 6334. Disposition of complaints received.

(a) Notice to child protective service.--Upon receipt of a complaint of suspected child abuse, the department shall immediately transmit orally to the appropriate child protective service notice that the complaint of suspected child abuse has been received and the substance of the complaint. If the Statewide central register or the pending complaint file contains information indicating a prior report or a current investigation concerning a subject of the report, the department shall immediately notify the appropriate child protective service of this fact.

(b) Referral for services or investigation.--If the complaint received does not suggest suspected child abuse but does suggest a need for social services or other services or investigation, the department shall transmit the information to the county children and youth social service agency or other public agency for appropriate action. The information shall not be considered a child abuse report unless the agency to which the information was referred has reason to believe after investigation that abuse occurred. If

the agency has reason to believe that abuse occurred, the agency shall notify the department, and the initial complaint shall be considered to have been a child abuse report.

(c) Recording in pending complaint file.--Upon receipt of a complaint of suspected child abuse, the department shall maintain a record of the complaint of suspected child abuse in the pending complaint file.

§ 6335. Information in pending complaint file.

(a) Information authorized.--No information other than that permitted to be retained in the Statewide central register in section 6336 (relating to information in Statewide central register) shall be retained in the pending complaint file or otherwise by the department.

(b) Access to information.--Except as provided in sections 6332 (relating to establishment of Statewide toll-free telephone number), 6334 (relating to disposition of complaints received), 6340 (relating to release of information in confidential reports) and 6342 (relating to studies of data in records), no person, other than an employee of the department in the course of official duties in connection with the responsibilities of the department under this chapter, shall at any time have access to any information in the pending complaint file or Statewide central register.

§ 6336. Information in Statewide central register.

(a) Information authorized.--The Statewide central register shall include and shall be limited to the following information:

- (1) The names, Social Security numbers, age and sex of the subjects of the reports.
- (2) The date or dates and the nature and extent of the alleged instances of suspected child abuse.
- (3) The home addresses of the subjects of the report.
- (4) The county in which the suspected abuse occurred.
- (5) Family composition.
- (6) The name and relationship to the abused child of the person or persons responsible for causing the abuse.
- (7) The source of the report.
- (8) Services planned or provided.
- (9) Whether the report is a founded report or an indicated report.
- (10) The progress of any legal proceedings brought on the basis of the report of suspected child abuse.

No information other than that permitted in this subsection shall be retained in the Statewide central register, the pending complaint file or otherwise by the department.

(b) Type of information released.--Except as provided in sections 6334 (relating to disposition of complaints received), 6335 (relating to information in pending complaint file), 6340 (relating to release of information in confidential reports) and 6342 (relating to studies of data in records), persons receiving information from the Statewide central register or pending complaint file may be informed only as to:

- (1) Whether the report is a founded or indicated abuse or is under investigation.
- (2) The number of such reports.
- (3) The nature and extent of the alleged or actual instances of suspected child abuse.
- (4) The county in which the reports are investigated.

(c) Limitation on release of information.--Except as provided in sections 6334, 6335, 6340 and 6342, no information shall be released from the Statewide central register or pending complaint file unless pursuant to section 6332 (relating to establishment of Statewide toll-free telephone number) and unless the department has positively identified the representative of the child protective service requesting the information and the department has inquired into and is satisfied that the representative has a legitimate need, within the scope of official duties and the provisions of section 6332, to obtain the information. Information in the Statewide central register or pending complaint file shall not be released for any purpose or to any individual not specified in section 6340.

§ 6337. Disposition of unfounded reports.

(a) **General rule.**--When a report of suspected child abuse is determined by the appropriate child protective service to be an unfounded report, the information concerning that report of suspected child abuse shall be expunged from the pending complaint file within 12 months of the date the report was received by the department, and no information other than that authorized by subsection (b), which shall not include any identifying information on any subject of the report, shall be retained by the department.

(b) **Absence of other determination.**--If an investigation of a report of suspected child abuse conducted by the appropriate child protective service pursuant to this chapter does not determine within 60 days of the date of the initial report of the instance of suspected child abuse that the report is an indicated report or an unfounded report, or unless within that same 60-day period court action has been initiated and is responsible for the delay, the report shall be considered to be an unfounded report, and all information identifying the subjects of the report shall be expunged within 12 months. The agency shall advise the department that court action has been initiated so that the pending complaint file is kept current regarding the status of all legal proceedings and expungement delayed. Nothing in this subsection shall in any way limit the powers and duties of the department as provided in section 6343 (relating to investigating performance of child protective service).

(c) **Expungement of information.**--All information identifying the subjects of any report of suspected child abuse determined to be an unfounded report shall be expunged from the pending complaint file within 12 months of the date the report was received by the department. The expungement shall be mandated and guaranteed by the department.

§ 6338. Disposition of founded and indicated reports.

(a) **General rule.**--When a report of suspected child abuse is determined by the appropriate child protective service to be a founded report or an indicated report, the information concerning that report of suspected child abuse shall be expunged immediately from the pending complaint file, and an appropriate entry shall be made in the Statewide central register. Notice of the determination must be given to the subjects of the report, other than the abused child, along with an explanation of the implications of the determination. Notice given to subjects of the report shall include notice that their ability to obtain employment in a child-care facility or program may be adversely affected by entry of the report in the Statewide central register. The notice shall also inform the subject of the report of his right, at any time, to request the secretary to amend, seal or

expunge information contained in the Statewide central register and his right to a hearing if the request is denied.

(b) Expungement of information when child attains 18 years of age.--All information identifying the subjects of all indicated reports and all information identifying the subject child of all founded reports shall be expunged when the subject child reaches the age of 18 years, unless another report is received involving the same child, his sibling or offspring, or another child in the care of the persons responsible for the subject child's welfare. The identifying information may then be maintained in the register for five years after the subsequent case or report is closed. The expungement shall be mandated and guaranteed by the department.

§ 6339. Confidentiality of reports.

Except as otherwise provided in this subchapter, reports made pursuant to this chapter, including, but not limited to, report summaries of child abuse and written reports made pursuant to section 6313(b) and (c) (relating to reporting procedure) as well as any other information obtained, reports written or photographs or X-rays taken concerning alleged instances of child abuse in the possession of the department, a county children and youth social service agency or a child protective service shall be confidential.

§ 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 child protective service in the course of official duties, multidisciplinary team members assigned to the case and duly authorized persons providing services pursuant to section 6370(a) (relating to services for protection of child at home or in custody).
- (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.
- (3) A guardian ad litem 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 child protective service).
- (5) A court of competent jurisdiction pursuant to a court order.
- (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 have access to identifiable reports.
- (9) Law enforcement officials in the course of investigating cases of:
 - (i) Homicide, 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.
 - (iii) Repeated physical injury to a child under circumstances which indicate that the child's health or welfare is harmed or threatened.
- (10) Law enforcement officials who shall receive reports of abuse in which the initial review gives evidence that the abuse is homicide, sexual abuse, sexual exploitation or

serious bodily injury perpetrated by persons whether or not related to the victim, or child abuse perpetrated by persons who are not family members. Reports referred to law enforcement officials shall be on forms provided by and according to regulations promulgated by the department.

(11) County commissioners, to whom the department shall forward specific files upon request, for review when investigating the competence of county children and youth employees.

(12) A mandated reporter of 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 report following the investigation, whether it be indicated, founded or unfounded.

(ii) Any services provided, arranged for or to be provided by the child protective service to protect the child from further abuse.

(b) Release of information to subject child.--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.--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.

(d) Definition.--As used in this section, "serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

§ 6341. Amendment, sealing or expungement of information.

(a) General rule.--At any time:

(1) The secretary may amend, seal or expunge any record upon good cause shown and notice to the appropriate subjects of the report.

(2) A subject of a report may request the secretary to amend, seal or expunge information contained in the Statewide central register on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this chapter.

(b) Review of grant of request.--If the secretary grants the request under subsection (a)(2), the Statewide central register, appropriate child protective service agency and all subjects shall be so advised within seven days from the date of the decision. The child protective service agency and any subject have 45 days in which to file an appeal with the secretary. If an appeal is received, the secretary or his designated agent shall schedule a hearing pursuant to Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, and attending departmental regulations. If no appeal is received within the designated time period, the Statewide central register shall comply with the decision of the secretary and advise the child protective service agency to amend, seal or expunge the information in their records so that the records are consistent at both the State and local levels.

(c) Review of refusal of request.--If the secretary refuses the request under subsection (a)(2) or does not act within a reasonable time, but in no event later than 30 days after receipt of the request, the subject shall have the right to a hearing before the secretary or a designated agent of the secretary to determine whether the summary in the Statewide central register or the contents of any report filed pursuant to section 6313 should be amended, sealed or expunged on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with this chapter. The appropriate child protective service shall be given notice of the hearing. The burden of proof in the hearing shall be on the appropriate child protective service. The department shall assist the child protective service as necessary. In the hearings, the fact that there was a court finding of child abuse shall be presumptive evidence that the report was substantiated.

(d) Order.--The secretary or designated agent may make any appropriate order respecting the amendment or expungement of such records to make them accurate or consistent with the requirements of this chapter.

(e) Notice of expungement.--Written notice of an expungement of any record, made pursuant to the provisions of this chapter, shall be served upon the subject of the record who was responsible for the abuse and the appropriate child protective service. The latter, upon receipt of the notice, shall take appropriate, similar action in regard to the local child abuse records and inform, for the same purpose, the appropriate coroner if that officer has received reports pursuant to section 6367 (relating to reports to department and coroner). Whenever the investigation reveals that the report is unfounded but that the subjects need services and voluntarily accept services, the county children and youth social service agency may retain those portions of its records which do not specifically identify the source of the investigation or report as suspected child abuse.

(f) Access to sealed record.--Once sealed, a record shall not be otherwise available except as provided in section 6342 (relating to studies of data in records) or except if the secretary, upon notice to the subjects of the report, gives personal approval for an appropriate reason.

§ 6342. Studies of data in records.

The department may conduct or authorize the conducting of studies of the data contained in the pending complaint file and the Statewide central register and county agencies and distribute the results of the studies. No study may contain the name or other information by which a subject of a report could be identified. The department may allow Federal auditors access to nonidentifiable duplicates of reports in the pending complaint file and the Statewide central register if required for Federal financial participation in funding of agencies.

§ 6343. Investigating performance of child protective service.

(a) General rule.--If, within 30 days from the date of an initial report of suspected child abuse, the appropriate child protective service has not properly investigated the report and informed the department that the report is an indicated report or an unfounded report or unless within that same 30-day period the report is determined to be a founded report, the department shall immediately begin an inquiry into the performance of the child protective service which inquiry may include a performance audit of the child

protective service as provided in subsection (b). On the basis of that inquiry, the department shall take appropriate action to require that the provisions of this chapter be strictly followed, which action may include, without limitation, the institution of appropriate legal action and the withholding of reimbursement for all or part of the activities of the county children and youth social service agency.

(b) Performance audit.--Notwithstanding any other provision of this chapter, the secretary or a designee of the secretary may direct, at their discretion, a performance audit of any activity engaged in pursuant to this chapter.

§ 6344. Information relating to prospective child-care personnel.

(a) Applicability.--This section applies to all prospective employees of child-care services, prospective foster parents, prospective adoptive parents, prospective self-employed family day-care providers and other persons seeking to provide child-care services under contract with a child-care facility or program. This section does not apply to administrative or other support personnel unless their duties will involve direct contact with children.

(b) Information submitted by prospective employees.--Administrators of child-care services shall require applicants to submit with their applications the following information obtained within the preceding one-year period:

(1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(2) A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded or indicated report of child abuse. An indicated report shall not be included until the department adopts regulations specifying the manner in which the investigation required by sections 6366 (relating to continuous availability to receive reports) through 6372 (relating to protecting well-being of children detained outside home) is to be conducted.

(3) Where the applicant is not a resident of this Commonwealth, administrators shall require the applicant to submit with the application for employment a report of Federal criminal history record information pursuant to the Federal Bureau of Investigation appropriation of the Department of Justice Appropriation Act of 1973 (Public Law 92-544, 86 Stat. 1116), and the department shall be the intermediary for the purposes of this section.

For the purposes of this subsection, an applicant may submit a copy of the required information with an application for employment. Administrators shall maintain a copy of the required information and shall require applicants to produce the original document prior to employment.

(c) Grounds for denying employment.--In no case shall an administrator hire an applicant where the department has verified that the applicant is named in the central register as the perpetrator of a founded report of child abuse committed within the five-year period immediately preceding verification pursuant to this section. In no case shall an administrator hire an applicant if the applicant's criminal history record information indicates the applicant has been convicted, within five years immediately preceding the

date of the report, of one or more of the following offenses under Title 18 (relating to crimes and offenses):

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122 (relating to statutory rape).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4303 (relating to concealing death of child born out of wedlock).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

(d) Prospective adoptive or foster parents.--With regard to prospective adoptive or prospective foster parents, the following shall apply:

(1) In the course of causing an investigation to be made pursuant to section 2535(a) (relating to investigation), an agency or person designated by the court to conduct the investigation shall require prospective adoptive parents to submit the information set forth in subsection (b)(1) and (2) for review in accordance with this section.

(2) In the course of approving a prospective foster parent, a foster family care agency shall require prospective foster parents to submit the information set forth in subsection (b)(1) and (2) for review by the foster family care agency in accordance with this section.

(e) Self-employed family day-care providers.--Self-employed family day-care providers who apply for a certificate of registration with the department shall submit with their registration application a report of criminal history record information and shall also obtain certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded report of child abuse.

(f) Submissions by operators of child-care services.--The department shall require persons seeking to operate child-care services to submit the information set forth in subsection (b)(1) and (2) for review in accordance with this section.

(g) Regulations.--The department shall promulgate the regulations necessary to carry out this section. These regulations shall:

(1) Set forth criteria for unsuitability for employment in a child-care service in relation to criminal history record information which may include criminal history record information in addition to that set forth above. The criteria shall be reasonably related to the prevention of child abuse.

(2) Set forth sanctions for administrators who willfully hire applicants in violation of this section or in violation of the regulations promulgated under this section.

(3) Provide for the confidentiality of information obtained pursuant to subsection (b).

(h) Fees.--The department may charge a fee not to exceed \$10 in order to conduct the certification as required in subsection (b)(2).

(i) Time limit for certification.--The department shall comply with certification requests no later than 14 days from the receipt of the request.

(j) Voluntary certification of child caretakers.--The department shall develop a procedure for the voluntary certification of child caretakers to allow persons to apply to the department for a certificate indicating the person has met the requirements of subsection (b). The department shall also provide for the biennial recertification of child caretakers.

(k) Existing or transferred employees.--A person employed in child-care services on January 1, 1986, shall not be required to obtain the information required in subsection (b)(1) and (2) as a condition of continued employment. A person who has once obtained the information required under subsection (b)(1) and (2) may transfer to another child-care service established and supervised by the same organization and shall not be required to obtain additional reports before making the transfer.

(l) Temporary employees under special programs.--The requirements of this section do not apply to employees of child-care services who meet all the following requirements:

- (1) They are under 21 years of age.
- (2) They are employed for periods of 90 days or less.
- (3) They are a part of a job development or job training program funded, in whole or in part, by public or private sources.

Once employment of a person who meets these conditions extends beyond 90 days, all requirements of this section shall take effect.

(m) Provisional employees for limited periods.--Notwithstanding subsection (b), administrators may employ applicants on a provisional basis for a single period not to exceed 30 days or, for out-of-State applicants, a period of 90 days, if all of the following conditions are met:

- (1) The applicant has applied for the information required under subsection (b) and the applicant provides a copy of the appropriate completed request forms to the administrator.
- (2) The administrator has no knowledge of information pertaining to the applicant which would disqualify him from employment pursuant to subsection (c).
- (3) The applicant swears or affirms in writing that he is not disqualified from employment pursuant to subsection (c).
- (4) If the information obtained pursuant to subsection (b) reveals that the applicant is disqualified from employment pursuant to subsection (c), the applicant shall be immediately dismissed by the administrator.
- (5) The administrator requires that the applicant not be permitted to work alone with children and that the applicant work in the immediate vicinity of a permanent employee.

§ 6345. Audits by Attorney General.

The Attorney General shall conduct a mandated audit done randomly but at least once during each year on an unannounced basis to ensure that the expungement requirements of this chapter are being fully and properly conducted.

§ 6346. Cooperation of other agencies.

The secretary may request and shall receive from Commonwealth agencies, political subdivisions, an authorized agency or any other agency providing services under the local child protective services plan any assistance and data that will enable the department and the child protective services to fulfill their responsibilities properly, including law enforcement personnel when assistance is needed in conducting an investigation of alleged child abuse. School districts shall cooperate with the department and the agency by providing them upon request with such information as is consistent with law.

§ 6347. Annual reports to Governor and General Assembly.

No later than April 15 of every year, the secretary shall prepare and transmit to the Governor and the General Assembly a report on the operations of the central register of child abuse and the various child protective services. The report shall include a full statistical analysis of the reports of suspected child abuse made to the department, together with a report on the implementation of this chapter and its total cost to the Commonwealth, the evaluation of the secretary of services offered under this chapter and recommendations for repeal or for additional legislation to fulfill the purposes of this chapter. All such recommendations should contain an estimate of increased or decreased costs resulting therefrom. The report shall also include an explanation of services provided to children who were the subjects of founded or indicated reports of child abuse while receiving child-care services. The department shall also describe its actions in respect to the perpetrators of the abuse.

§ 6348. Regulations.

The department shall adopt regulations necessary to implement this chapter.

§ 6349. Penalties.

(a) Failure to amend or expunge information.--

(1) A person or official authorized to keep the records mentioned in section 6337 (relating to disposition of unfounded reports) or 6338 (relating to disposition of founded and indicated reports) who willfully fails to expunge the information when required commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

(2) A person who willfully fails to obey a final order of the secretary or designated agent of the secretary to amend or expunge the summary of the report in the Statewide central register or the contents of any report filed pursuant to section 6313 (relating to reporting procedure) commits a summary offense.

(b) Unauthorized release of information.--A person who willfully releases or permits the release of any data and information contained in the pending complaint file, the Statewide central register or the child welfare records required by this chapter, including records maintained by any county children and youth social service agency and any child protective service, to persons or agencies not permitted by this chapter commits a misdemeanor of the third degree.

(c) Noncompliance with child-care personnel regulations.--An administrator, or other person responsible for employment decisions in a child-care facility or program, who willfully fails to comply with the provisions of section 6344 (relating to information relating to prospective child-care personnel) commits a violation of this chapter and shall be subject to a civil penalty as provided in this subsection. The department shall have jurisdiction to determine violations of section 6344 and may, following a hearing, assess

a civil penalty not to exceed \$2,500. The civil penalty shall be payable to the Commonwealth.

SUBCHAPTER D ORGANIZATION AND RESPONSIBILITIES OF CHILD PROTECTIVE SERVICE

Sec.

- 6361.** Organization of child protective service.
- 6362.** Responsibilities of child protective service.
- 6363.** Local plan for child protective services.
- 6364.** Purchasing services of other agencies.
- 6365.** Services for prevention and treatment of child abuse.
- 6366.** Continuous availability to receive reports.
- 6367.** Reports to department and coroner.
- 6368.** Investigation of reports.
- 6369.** Taking child into protective custody.
- 6370.** Services for protection of child at home or in custody.
- 6371.** Rehabilitative services for child and family.
- 6372.** Protecting well-being of children maintained outside home.

§ 6361. Organization of child protective service.

(a) Establishment.--Unless the department finds it is unfeasible, every county children and youth social service agency shall establish a Child Protective Service within the agency. The department may waive the requirement that a county establish a separate child protective service upon a showing by the county that:

- (1) A separate child protective service:
 - (i) would not be conducive to the best interests of all children within the county who need public child welfare services; and
 - (ii) would not be feasible or economical.
- (2) The goals and objectives of this chapter will continue to be met if a waiver is granted.

If the department grants a waiver under this subsection, the county shall be bound by all other provisions of this chapter, including requirements concerning the maintenance and disclosure of confidential information and records.

(b) Staff and organization.--The child protective service shall have a sufficient staff of sufficient qualifications to fulfill the purposes of this chapter and be organized in such a way as to maximize the continuity of responsibility, care and services of individual workers toward individual children and families.

(c) Functions authorized.--The child protective service shall perform those functions assigned by this chapter to it and only such others that would further the purposes of this chapter.

§ 6362. Responsibilities of child protective service.

(a) General rule.--The child protective service shall be the sole civil agency responsible for receiving and investigating all reports of child abuse made pursuant to this chapter, specifically including, but not limited to, reports of child abuse in facilities operated by the

department and other public agencies, for the purpose of providing protective services to prevent further abuses to children and to provide or arrange for and monitor the provision of those services necessary to safeguard and ensure the well-being and development of the child and to preserve and stabilize family life wherever appropriate.

(b) Assumption of responsibility by department.--When the suspected abuse has been committed by the county children and youth social service agency or any of its agents or employees, the department shall assume the role of the agency with regard to the investigation and directly refer the child for services.

(c) Action by agencies for abuse by agents or employees.--Where suspected child abuse has occurred and an employee or agent of the department or the county children and youth social service agency or a private or public institution is a subject of the report, the department, agency or institution shall be informed of the investigation so that it may take appropriate action.

§ 6363. Local plan for child protective services.

(a) General rule.--No later than once each year as required by the department, each county agency child protective service shall prepare and submit a local plan for the provision of child protective services. The local plan may be a component of a county human service plan or a children and youth plan which may be required by the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(b) Certification by department.--The department shall certify whether or not the local plan fulfills the purposes of and meets the requirements set forth in this chapter. If the department certifies that the local plan does not do so, the department shall state the reasons therefor and may withhold reimbursement for all or part of the activities of the agency. If the department finds that a proposed local plan does not meet the requirements set forth in this chapter, the child protective service shall revise the local plan in accordance with the reasons of the department for disapproval.

§ 6364. Purchasing services of other agencies.

Any other provision of law notwithstanding but consistent with sections 6361 (relating to organization of child protective service) and 6362 (relating to responsibilities of child protective service), the county children and youth social service agency, based upon the local plan of services as provided in section 6363 (relating to local plan for child protective services), may purchase and utilize the services of any appropriate public or private agency.

§ 6365. Services for prevention and treatment of child abuse.

Each child protective service shall make available among its services for the prevention and treatment of child abuse multidisciplinary teams, instruction and education for parenthood, protective and preventive social counseling, emergency caretaker services, emergency shelter care, emergency medical services and the establishment of groups organized by former abusing parents to encourage self-reporting and self-treatment of present abusers.

§ 6366. Continuous availability to receive reports.

Each child protective service shall receive 24 hours a day, seven days a week, all reports, both oral and written, of suspected child abuse in accordance with this chapter, the local plan for the provision of child protective services and the regulations of the department.

§ 6367. Reports to department and coroner.

(a) Reports to department.--Upon the receipt of each report of suspected child abuse made pursuant to this chapter, the child protective service shall immediately transmit a child abuse report summary as provided in section 6313 (relating to reporting procedure) to the department. Supplemental reports shall be made at regular intervals thereafter in a manner and form the department prescribes by regulation to the end that the department is kept fully informed and up-to-date concerning the status of reports of child abuse.

(b) Reports to coroner.--The child protective service shall give telephone notice and forward immediately a copy of reports made pursuant to this chapter which involve the death of a child to the appropriate coroner pursuant to section 6317 (relating to reporting and postmortem investigation of deaths).

§ 6368. Investigation of reports.

(a) General rule.--Upon receipt of each report of suspected child abuse, the child protective service shall commence within 24 hours an appropriate investigation which shall include a determination of the risk to the child or children if they continue to remain in the existing home environment as well as a determination of the nature, extent and cause of any condition enumerated in the report and, after seeing to the safety of the child or children, immediately notify the subjects of the report in writing of the existence of the report and their rights pursuant to this chapter in regard to amendment or expungement.

(b) Conditions outside home environment.--The investigation shall determine whether the child is being harmed by factors beyond the control of the parent or other person responsible for the welfare of the child, and, if so determined, the child protective service shall promptly take all available steps to remedy and correct these conditions, including, but not limited to, the coordination of social services for the child and the family.

(c) Limitation of actions.--The investigation shall be completed within 30 days. The child protective service shall determine, within 30 days, whether the report is "founded," "indicated" or "unfounded."

§ 6369. Taking child into protective custody.

Pursuant to the provisions of section 6315 (relating to taking child into protective custody) and after court order, the child protective service shall take a child into protective custody for protection from further abuse. No child protective service worker may enter the home of any individual for this purpose without judicial authorization.

§ 6370. Services for protection of child at home or in custody.

(a) General rule.--Based on the investigation and evaluation conducted pursuant to this chapter, the child protective service shall provide or contract with private or public agencies for the protection of the child at home whenever possible and those services necessary for adequate care of the child when placed in protective custody. Prior to offering these services to a family, the agency shall explain that it has no legal authority to compel the family to receive the services but may inform the family of the obligations and authority of the child protective service to initiate appropriate court proceedings.

(b) Initiation of court proceedings.--In those cases in which an appropriate offer of service is refused and the child protective service determines, or if the service for any other appropriate reason determines, that the best interests of the child require court action, the child protective service shall initiate the appropriate court proceeding. The child protective service shall assist the court during all stages of the court proceeding in accordance with the purposes of this chapter.

§ 6371. Rehabilitative services for child and family.

The child protective service shall provide or arrange for and monitor rehabilitative services for children and their families on a voluntary basis or under a final or intermediate order of the court.

§ 6372. Protecting well-being of children maintained outside home.

The child protective service shall be as equally vigilant of the status, well-being and conditions under which a child is living and being maintained in a facility other than that of a parent, custodian or guardian from which the child has been removed as the service is of the conditions in the dwelling of the parent, custodian or guardian. Where the child protective service finds that the placement for any temporary or permanent custody, care or treatment is for any reason inappropriate or harmful in any way to the physical or mental well-being of the child, it shall take immediate steps to remedy these conditions, including petitioning the court.

**SUBCHAPTER E
MISCELLANEOUS PROVISIONS**

Sec.

6381. Evidence in court proceedings.

6382. Guardian ad litem for child in court proceedings.

6383. Education and training.

6384. Legislative oversight.

§ 6381. Evidence in court proceedings.

(a) General rule.--In addition to the rules of evidence provided under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the rules of evidence in this section shall govern in child abuse proceedings in court.

(b) Reports of unavailable persons.--Whenever a person required to report under this chapter is unavailable due to death or removal from the jurisdiction of the court, the written report of that person shall be admissible in evidence in any proceedings arising out of child abuse other than proceedings under Title 18 (relating to crimes and

offenses). Any hearsay contained in the reports shall be given such weight, if any, as the court determines to be appropriate under all of the circumstances. However, any hearsay contained in a written report shall not of itself be sufficient to support an adjudication based on abuse.

(c) Privileged communications.--Except for privileged communications between a lawyer and a client and between a minister and a penitent, a privilege of confidential communication between husband and wife or between any professional person, including, but not limited to, physicians, psychologists, counselors, employees of hospitals, clinics, day-care centers and schools and their patients or clients, shall not constitute grounds for excluding evidence at any proceeding regarding child abuse or the cause of child abuse.

(d) Prima facie evidence of abuse.--Evidence that a child has suffered serious physical injury, sexual abuse or serious physical neglect of such a nature as would ordinarily not be sustained or exist except by reason of the acts or omissions of the parent or other person responsible for the welfare of the child shall be prima facie evidence of child abuse by the parent or other person responsible for the welfare of the child.

§ 6382. Guardian ad litem for child in court proceedings.

(a) Appointment.--When a proceeding has been initiated alleging child abuse, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be an attorney at law.

(b) Powers and duties.--The guardian ad litem shall be given access to all reports relevant to the case and to any reports of examination of the parents or other custodian of the child pursuant to this chapter. The guardian ad litem shall be charged with the representation of the best interests of the child at every stage of the proceeding and shall make such further investigation necessary to ascertain the facts, interview witnesses, examine and cross-examine witnesses, make recommendations to the court and participate further in the proceedings to the degree appropriate for adequately representing the child.

(c) Duty of court.--The court shall, upon consideration of the petition of any attorney for the child, order a local child protective service or other agency to establish and implement, fully and promptly, appropriate services, treatment and plans for a child found in need of them. The court shall also, upon consideration of the petition of an attorney for the child, terminate or alter the conditions of any temporary or permanent placement of a child.

§ 6383. Education and training.

(a) Duties of department and county agencies. --The department and each county agency, both jointly and individually, shall conduct a continuing publicity and education program for the citizens of this Commonwealth aimed at the prevention of child abuse and child neglect, including the prevention of newborn abandonment, the identification of abused and neglected children and the provision of necessary ameliorative services to abused and neglected children and their families. The department and each county agency shall conduct an ongoing training and education program for local staff, persons

required to make reports and other appropriate persons in order to familiarize those persons with the reporting and investigative procedures for cases of suspected child abuse and the rehabilitative services that are available to children and families. In addition, the department shall, by regulation, establish a program of training and certification for persons classified as protective services workers. The regulations shall provide for the grandfathering of all current permanent protective services workers as certified protective services workers. Upon request by the county agency and approval of the department, the agency may conduct the training of the county's protective services workers.

(a.1) Study by department.--The department shall conduct a study to determine the extent of the reporting of suspected child abuse in this Commonwealth where the reports upon investigation are determined to be unfounded and to be knowingly false and maliciously reported or it is believed that a minor was persuaded to make or substantiate a false and malicious report. The department shall submit the report to the Governor, General Assembly and Attorney General no later than June 1, 1996. The report shall include the department's findings and recommendations on how to reduce the incidence of knowingly false and malicious reporting.

§ 6384. Legislative oversight.

A committee of the Senate designated by the President pro tempore of the Senate and a committee of the House of Representatives designated by the Speaker of the House of Representatives, either jointly or separately, shall review the manner in which this chapter has been administered at the State and local level for the following purposes:

- (1) Providing information that will aid the General Assembly in its oversight responsibilities.
- (2) Enabling the General Assembly to determine whether the programs and services mandated by this chapter are effectively meeting the goals of this chapter.
- (3) Assisting the General Assembly in measuring the costs and benefits of this program and the effects and side-effects of mandated program services.
- (4) Permitting the General Assembly to determine whether the confidentiality of records mandated by this chapter is being maintained at the State and local level.
- (5) Providing information that will permit State and local program administrators to be held accountable for the administration of the programs mandated by this chapter.

Section 3. Amendments to Title 18.--Section 2711(d) of Title 18 is amended to read:

Act of June 22, 1935 (P.L.450, No.189), entitled "An act to promote public morals; abolishing civil causes of action for alienation of affections, except in certain cases, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to file, or threaten to cause to be filed any such action; fixing a time for the commencement of such causes of action heretofore accrued; declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment there under or institution of suit thereon; and providing penalties."

Act of May 13, 1949 (P.L.1319, No.390), entitled "An act authorizing the conveyance of the interest of either former spouse after a divorce to the other without the joinder of the other, of such former spouse's interest in real estate which is held by them as tenants by the entireties, and validating such conveyances formerly made."

Act of August 22, 1953 (P.L.1344, No.383), known as The Marriage Law.

Act of December 17, 1959 (P.L.1916, No.695), entitled "An act relating to the legitimacy of children born of void or voidable marriages."

Act of August 7, 1961 (P.L.961, No.426), entitled "An act authorizing minor spouses to join their adult spouse in the conveyance or mortgaging of their real estate and to execute bonds or other obligations in connection therewith and validating such action taken."

Act of July 27, 1967 (P.L.186, No.58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the willful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery."

Act of June 16, 1972 (P.L.472, No.151), entitled "An act authorizing persons eighteen years of age and older to enter into contracts."

Act of December 6, 1972 (P.L.1404, No.300), entitled "An act making a person eighteen and older an adult for the purpose of suing and being sued."

Act of November 26, 1975 (P.L.438, No.124), known as the Child Protective Services Law.

Act of October 7, 1976 (P.L.1090, No.218), known as the Protection From Abuse Act.

Act of April 2, 1980 (P.L.63, No.26), known as the Divorce Code.

Act of May 24, 1984 (P.L.326, No.64), known as the Pennsylvania Adoption Cooperative Exchange Act.

42 Pa.C.S. Ch. 53 Subch. C (relating to child custody jurisdiction).

42 Pa.C.S. Ch. 61 Subch. C (relating to blood tests to determine paternity).

42 Pa.C.S. Ch. 67 (relating to protection from abuse).

(b) Nothing in this act shall repeal, modify or supplant section 7 of the act of February 12, 1988 (P.L.66, No.13), entitled "An act amending the act of April 2, 1980 (P.L.63, No.26), entitled 'An act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repeals,' further providing for grounds for divorce, enforcement of foreign decrees, procedure, jurisdiction, marital property, relief and alimony; providing for agreements between parties; making editorial changes; and making a repeal."

(c) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 7. Effective date.--This act shall take effect in 90 days.

APPROVED--The 19th day of December, A. D. 1990.

ROBERT P. CASEY