

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1086 Session of
2009

INTRODUCED BY WATERS, YOUNGBLOOD, BELFANTI, DENLINGER AND
STABACK, MARCH 24, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 2009

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for immunity from
3 liability; and providing for false reports of child abuse.

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

6 Section 1. Section 6318 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6318. Immunity from liability.

9 (a) General rule.--A person, hospital, institution, school,
10 facility, agency or agency employee that participates in good
11 faith in the making of a report, whether required or not,
12 cooperating with an investigation, including providing
13 information to a child fatality or near fatality review team,
14 testifying in a proceeding arising out of an instance of
15 suspected child abuse, the taking of photographs or the removal
16 or keeping of a child pursuant to section 6315 (relating to
17 taking child into protective custody), and any official or
18 employee of a county agency who refers a report of suspected

1 abuse to law enforcement authorities or provides services under
2 this chapter, shall have immunity from civil and criminal
3 liability that might otherwise result by reason of those actions
4 except as provided under section 6320 (relating to false reports
5 of child abuse).

6 (b) Presumption of good faith.--For the purpose of any civil
7 or criminal proceeding, the good faith of a person required to
8 report pursuant to section 6311 (relating to persons required to
9 report suspected child abuse) and of any person required to make
10 a referral to law enforcement officers under this chapter shall
11 be presumed and may be rebutted only by clear and convincing
12 evidence.

13 Section 2. Title 23 is amended by adding a section to read:
14 § 6320. False reports of child abuse.

15 A person who knowingly or intentionally makes a report of
16 child abuse under this chapter that the person knows is false
17 commits a misdemeanor.

18 Section 3. This act shall take effect in 60 days.