
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 414 Session of
2013

INTRODUCED BY O'NEILL, CALTAGIRONE, BAKER, V. BROWN, CARROLL,
CLYMER, COHEN, D. COSTA, DELUCA, FLECK, GINGRICH, GRELL,
HARHART, C. HARRIS, KORTZ, MAHONEY, MAJOR, MILLARD, MILLER,
PICKETT, ROCK, ROZZI, STEPHENS, TALLMAN, TOEPEL, YOUNGBLOOD,
HESS AND STERN, JANUARY 29, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 2013

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in child custody, further providing for factors to
4 consider when awarding custody; providing for consideration
5 of child abuse and involvement with child protective
6 services; in child protective services, further providing for
7 release of information in confidential reports; and in
8 juvenile matters, further providing for inspection of court
9 files and records.

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

12 Section 1. Section 5328(a) of Title 23 of the Pennsylvania
13 Consolidated Statutes is amended by adding a paragraph to read:
14 § 5328. Factors to consider when awarding custody.

15 (a) Factors.--In ordering any form of custody, the court
16 shall determine the best interest of the child by considering
17 all relevant factors, giving weighted consideration to those
18 factors which affect the safety of the child, including the
19 following:

20 * * *

1 (2.1) The information set forth in section 5329.1(a)(1)
2 and (2) (relating to consideration of child abuse and
3 involvement with child protective services).

4 * * *

5 Section 2. Title 23 is amended by adding a section to read:

6 § 5329.1. Consideration of child abuse and involvement with
7 child protective services.

8 (a) Information sharing.--In accordance with section 6340(a)
9 (5.1) (relating to release of information in confidential
10 reports), where a party seeks any form of custody, the court
11 shall determine:

12 (1) With respect to child abuse under Chapter 63
13 (relating to child protective services) or a child who is a
14 victim of a crime under 18 Pa.C.S. (relating to crimes and
15 offenses) which would constitute abuse under Chapter 63:

16 (i) Whether the child is the subject of an indicated
17 or founded report of child abuse.

18 (ii) Whether a party or a member of the party's
19 household has been identified as the perpetrator in an
20 indicated or founded report of child abuse.

21 (iii) The date and circumstances of the child abuse.

22 (iv) The jurisdiction where the child abuse
23 investigation took place.

24 (2) With respect to general protective services under
25 Chapter 63:

26 (i) Whether a party or a member of a party's
27 household has been provided general protective services.

28 (ii) The type of services provided.

29 (iii) The circumstances surrounding the provision of
30 services.

- 1 (iv) Whether the services were effective.
2 (v) The date the services were provided.
3 (vi) The jurisdiction where the services were
4 provided.

5 (b) Cooperation.--The following apply:

6 (1) The Department of Public Welfare shall fully
7 cooperate with the court and assist the court in fulfilling
8 its duties under this section.

9 (2) The Department of Public Welfare shall fully
10 cooperate with the governing authority in order to implement
11 the provisions of this section.

12 (3) The governing authority shall develop procedures to
13 implement the provisions of this section.

14 (4) As used in this subsection, the term "governing
15 authority" shall have the meaning given to it in 42 Pa.C.S. §
16 102 (relating to definitions).

17 Section 3. Section 6340(a) (5.1) of Title 23 is amended to
18 read:

19 § 6340. Release of information in confidential reports.

20 (a) General rule.--Reports specified in section 6339
21 (relating to confidentiality of reports) shall only be made
22 available to:

23 * * *

24 (5.1) A court of common pleas in connection with any
25 matter involving custody of a child[. The department shall
26 provide to the court any reports and files which the court
27 considers relevant.] as set forth in sections 5328 (relating
28 to factors to consider when awarding custody) and 5329.1
29 (relating to consideration of child abuse and involvement
30 with child protective services).

1 * * *

2 Section 4. Section 6307(a) of Title 42 is amended by adding
3 a paragraph to read:

4 § 6307. Inspection of court files and records.

5 (a) General rule.--All files and records of the court in a
6 proceeding under this chapter are open to inspection only by:

7 * * *

8 (4.1) A court in determining custody, as provided in 23
9 Pa.C.S. §§ 5328 (relating to factors to consider when
10 awarding custody) and 5329.1 (relating to consideration of
11 child abuse and involvement with child protective services).

12 * * *

13 Section 5. This act shall take effect in 60 days.