

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 63

Session of
2005

INTRODUCED BY KASUNIC, O'PAKE, C. WILLIAMS, REGOLA, TARTAGLIONE,
COSTA, LAVALLE, KITCHEN, M. WHITE, STOUT, LOGAN, CORMAN,
LEMOND, MUSTO, PILEGGI, RHOADES, EARLL, WOZNIAK, BOSCOLA,
MELLOW AND FERLO, FEBRUARY 7, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JANUARY 31, 2006

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, PROVIDING AN EXCEPTION TO THE ORAL <—
3 EXAMINATION FOR MEMBERS OF THE ACTIVE MILITARY, RESERVES OR
4 PENNSYLVANIA NATIONAL GUARD WHO ARE CURRENTLY DEPLOYED IN AN
5 ACTIVE MILITARY OPERATION OR NATIONAL EMERGENCY; AND further
6 providing for, in child protective services, investigation of
7 reports and for county agency requirements for general
8 protective services.

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

11 ~~Section 1. Section 6368(a) of Title 23 of the Pennsylvania~~ <—
12 ~~Consolidated Statutes is amended to read:~~

13 SECTION 1. SECTIONS 1306 AND 6368(A) OF TITLE 23 OF THE <—
14 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

15 § 1306. ORAL EXAMINATION.

16 (A) GENERAL RULE.--EACH OF THE APPLICANTS FOR A MARRIAGE
17 LICENSE SHALL APPEAR IN PERSON AND SHALL BE EXAMINED UNDER OATH
18 OR AFFIRMATION AS TO:

19 (1) THE LEGALITY OF THE CONTEMPLATED MARRIAGE.

1 (2) ANY PRIOR MARRIAGE OR MARRIAGES AND ITS OR THEIR
2 DISSOLUTION.

3 (3) THE RESTRICTIONS SET FORTH IN SECTION 1304 (RELATING
4 TO RESTRICTIONS ON ISSUANCE OF LICENSE).

5 (4) ALL THE INFORMATION REQUIRED TO BE FURNISHED ON THE
6 APPLICATION FOR LICENSE AS PREPARED AND APPROVED BY THE
7 DEPARTMENT.

8 (B) EXCEPTION.--IF AN APPLICANT IS UNABLE TO APPEAR IN
9 PERSON BECAUSE OF HIS ACTIVE MILITARY SERVICE, THE APPLICANT
10 SHALL BE PERMITTED TO FORWARD AN AFFIDAVIT, WHICH VERIFIES ALL
11 OF THE INFORMATION REQUIRED UNDER SUBSECTION (A), TO THE ISSUING
12 AUTHORITY.

13 (C) FORM.--THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE
14 AFFIDAVIT FORMS TO BE USED BY APPLICANTS UNDER SUBSECTION (B).

15 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "ACTIVE
16 MILITARY SERVICE" MEANS ACTIVE SERVICE IN ANY OF THE ARMED
17 SERVICES OR FORCES OF THE UNITED STATES OR OF THIS COMMONWEALTH.

18 § 6368. Investigation of reports.

19 (a) General rule.--Upon receipt of each report of suspected
20 child abuse, the county agency shall immediately commence an
21 appropriate investigation and see the child immediately if
22 emergency protective custody is required or has been or shall be
23 taken or if it cannot be determined from the report whether
24 emergency protective custody is needed. Otherwise, the county
25 agency shall commence an appropriate investigation and see the
26 child within 24 hours of receipt of the report. The
27 investigation shall include a determination of the risk of harm
28 to the child or children if they continue to remain in the
29 existing home environment, as well as a determination of the
30 nature, extent and cause of any condition enumerated in the

1 report [and], any action necessary to provide for the safety of
2 the child or children and the taking of photographic
3 identification of the child or children to be maintained with
4 the file. During the investigation, the county agency shall
5 provide or arrange for services necessary to protect the child
6 while the agency is making a determination pursuant to this
7 section. If the investigation indicates serious physical injury,
8 a medical examination shall be performed on the subject child by
9 a certified medical practitioner. Where there is reasonable
10 cause to suspect there is a history of prior or current abuse,
11 the medical practitioner has the authority to arrange for
12 further medical tests or the county agency has the authority to
13 request further medical tests. The investigation shall include
14 communication with the department's service under section 6332
15 (relating to establishment of Statewide toll-free telephone
16 number). Prior to interviewing a subject of the report, the
17 county agency shall orally notify the subject who is about to be
18 interviewed of the existence of the report, the subject's rights
19 under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338
20 (relating to other basic rights) and the subject's rights
21 pursuant to this chapter in regard to amendment or expungement.
22 Within 72 hours following oral notification to the subject, the
23 county agency shall give written notice to the subject. The
24 notice may be reasonably delayed if notification is likely to
25 threaten the safety of the victim, a nonperpetrator subject or
26 the investigating county agency worker, to cause the perpetrator
27 to abscond or to significantly interfere with the conduct of a
28 criminal investigation. However, the written notice must be
29 provided to all subjects prior to the county agency's reaching a
30 finding on the validity of the report.

1 * * *

2 Section 2. Section 6375(g) of Title 23 is amended and the
3 section is amended by adding a subsection to read:

4 § 6375. County agency requirements for general protective
5 services.

6 * * *

7 (g) Monitoring, evaluating and assessing.--The county agency
8 shall frequently monitor the provision of services, evaluate the
9 effectiveness of the services, conduct in-home visits and make a
10 periodic assessment of the risk of harm to the child, which
11 shall include maintaining an annually updated photograph of the
12 child and verification of the identification of the child.

13 * * *

14 (n) Transfer of files between county agencies.--Whenever a
15 county agency transfers to another county agency a file relating
16 to a child who receives or is in need of protective services
17 under this chapter, the file shall include any photographic
18 identification and an annual photograph taken of the child.

19 Section 3. This act shall be known and may be cited as
20 Kristen's Law.

21 Section 4. The Department of Public Welfare may promulgate
22 rules and regulations to administer and enforce this act.

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