

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1190 Session of
1989

INTRODUCED BY FOX, JAROLIN, STAIRS, CESSAR, MARSICO, FARGO,
MAIALE, COWELL, HERMAN, J. L. WRIGHT, GRUPPO, NOYE, CAWLEY,
GLADECK, CARLSON, WAMBACH, DEMPSEY, MILLER, WOGAN, FARMER,
ROBINSON, ADOLPH, YANDRISEVITS, COLAFELLA, CORNELL, GODSHALL,
BUNT, ARGALL, DALEY, JAMES, J. H. CLARK, ITKIN, VEON, GEIST,
ANGSTADT, BELARDI, MORRIS, BILLOW, RITTER, KOSINSKI, RAYMOND,
MAINE, SAURMAN, JOHNSON, S. H. SMITH, GIGLIOTTI, NAHILL,
E. Z. TAYLOR, OLASZ, BATTISTO, LASHINGER, SERAFINI, LANGTRY,
KASUNIC, JACKSON, CORRIGAN, REBER AND MICOZZIE,
APRIL 17, 1989

REFERRED TO COMMITTEE ON YOUTH AND AGING, APRIL 17, 1989

AN ACT

1 Amending the act of November 26, 1975 (P.L.438, No.124),
2 entitled, as amended, "An act establishing child protective
3 services; providing procedures for reporting and
4 investigating the abuse of children; establishing and
5 providing access to a Statewide central register and pending
6 complaint file on child abuse; investigating such reports;
7 providing for taking protective action including taking a
8 child into protective custody; placing duties on the
9 Department of Public Welfare and county children and youth
10 social service agencies; establishing child protective
11 services in each county children and youth social service
12 agency; and providing penalties," changing the definition of
13 "child abuse"; adding a definition of "serious physical
14 neglect"; and further providing for investigations by child
15 protective service.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The definition of "child abuse" in section 3 of
19 the act of November 26, 1975 (P.L.438, No.124), known as the
20 Child Protective Services Law, amended June 10, 1982 (P.L.460,

1 No.136), is amended and the section is amended by adding a
2 definition to read:

3 Section 3. Definitions.--As used in this act:

4 "Child abuse" means serious physical or mental injury which
5 is not explained by the available medical history as being
6 accidental, or sexual abuse or sexual exploitation, or serious
7 physical neglect, of a child under 18 years of age, if the
8 injury, abuse or neglect has been caused by the acts or
9 omissions of the child's parents or by a person responsible for
10 the child's welfare, or any individual residing in the same home
11 as the child, or a paramour of a child's parent, or in the case
12 of sexual abuse or exploitation, any adult, provided, however,
13 no child shall be deemed to be physically or mentally abused for
14 the sole reason he is in good faith being furnished treatment by
15 spiritual means through prayer alone in accordance with the
16 tenets and practices of a recognized church or religious
17 denomination by a duly accredited practitioner thereof or is not
18 provided specified medical treatment in the practice of
19 religious beliefs, or solely on the grounds of environmental
20 factors which are beyond the control of the person responsible
21 for the child's welfare such as inadequate housing, furnishings,
22 income[,] and clothing [and medical care].

23 * * *

24 "Serious physical neglect" means the failure to provide a
25 child with adequate and nutritious food or adequate medical
26 care.

27 * * *

28 Section 2. Section 17(4) of the act is amended to read:

29 Section 17. Duties of the Child Protective Service
30 Concerning Reports of Abuse.--Each child protective service

1 shall:

2 * * *

3 (4) Upon receipt of each report of suspected child abuse,
4 commence within 24 hours, an appropriate investigation which
5 shall include a visit to the home of the child and a
6 determination of the risk to such child or children if they
7 continue to remain in the existing home environment, as well as
8 a determination of the nature, extent, and cause of any
9 condition enumerated in such report, and, after seeing to the
10 safety of the child or children, forthwith notify the subjects
11 of the report in writing, of the existence of the report and
12 their rights pursuant to this act in regard to amendment or
13 expungement. The investigation shall be completed within 30
14 days.

15 * * *

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