

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1425 Session of
1991

INTRODUCED BY HAGARTY, BLAUM, NAHILL, CALTAGIRONE, DALEY,
KOSINSKI, ANGSTADT, KRUSZEWSKI, J. TAYLOR, HECKLER, LaGROTTA,
SEMMELE, HERMAN, ITKIN, BARLEY, FLEAGLE, DeLUCA, LUCYK,
PHILLIPS, BATTISTO, GERLACH, PETRONE, WAMBACH, BELARDI,
CORNELL, E. Z. TAYLOR, MELIO, HARPER, MICHLOVIC, MICOZZIE,
FARMER, STABACK, GODSHALL, GIGLIOTTI, STEELMAN, D. W. SNYDER,
PISTELLA, GRUPPO, SERAFINI, BUNT, CIVERA, SURRA, KING,
BUTKOVITZ, STURLA, RITTER AND TELEK, MAY 29, 1991

REFERRED TO COMMITTEE ON AGING AND YOUTH, MAY 29, 1991

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further defining "child abuse"; and
3 providing for court-ordered medical intervention.

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

6 Section 1. The definition of "child abuse" in section 6303
7 of Title 23 of the Pennsylvania Consolidated Statutes, added
8 December 19, 1990 (P.L. , No.206), is amended to read:

9 § 6303. Definitions.

10 The following words and phrases when used in this chapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Child abuse." Serious physical or mental injury which is
14 not explained by the available medical history as being
15 accidental, sexual abuse, sexual exploitation or serious

1 physical neglect of a child under 18 years of age if the injury,
2 abuse or neglect has been caused by the acts or omissions of the
3 child's parents or by a person responsible for the child's
4 welfare, or any individual residing in the same home as the
5 child, or a paramour of the child's parent. No child shall be
6 deemed to be physically or mentally abused [for the sole reason
7 the child is in good faith being furnished treatment by
8 spiritual means through prayer alone in accordance with the
9 tenets and practices of a recognized church or religious
10 denomination by an accredited practitioner thereof or is not
11 provided specified medical treatment in the practice of
12 religious beliefs, or] solely on the grounds of environmental
13 factors which are beyond the control of the person responsible
14 for the welfare of the child such as inadequate housing,
15 furnishings, income, clothing and medical care. In relation to
16 failure to provide medical care based on religious belief, this
17 definition is subject to the provisions of section 6368.1
18 (relating to procedures for failure to provide medical care
19 based on religious beliefs).

20 * * *

21 Section 2. Title 23 is amended by adding a section to read:
22 § 6368.1. Procedures for failure to provide medical care based
23 on religious beliefs.

24 If, upon its investigation, child protective services
25 determines that child abuse has resulted from a child not being
26 provided needed medical or surgical care because of the
27 seriously held religious beliefs of the child's parents,
28 guardian or caretaker, which beliefs are consistent with those
29 of a bona fide religion, the child protective services shall
30 closely monitor the child and shall seek court-ordered medical

1 intervention. In cases of such religious circumstances:

2 (1) all correspondence with a subject of the report
3 shall not reference "child abuse" and shall acknowledge the
4 religious basis for the child's condition;

5 (2) all records maintained by the department or the
6 county shall be prominently marked "religious circumstances";

7 (3) records marked as "religious circumstances" shall
8 not be considered to be founded or indicated reports for
9 purposes of section 6344(b)(2) (relating to information
10 relating to prospective child-care personnel); and

11 (4) in all other respects, all the provisions of this
12 chapter shall fully apply.

13 Section 3. This act shall take effect immediately.