

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 164 Session of
2003

INTRODUCED BY COSTA, GREENLEAF, KITCHEN, KUKOVICH, WAGNER,
RAFFERTY, LOGAN, STOUT, TARTAGLIONE, PUNT, WOZNIAK, O'PAKE,
KASUNIC, SCHWARTZ AND C. WILLIAMS, FEBRUARY 4, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 15, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, PROVIDING FOR COURT <—
3 AUTHORITY UPON PETITION TO REMOVE CHILD FROM FOSTER PARENT;
4 AND further providing for criminal victim aid good Samaritan
5 civil immunity.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Section 8331.3 of Title 42 of the Pennsylvania <—~~
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED <—

11 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

12 § 6351.1. AUTHORITY OF COURT UPON PETITION TO REMOVE CHILD FROM
13 FOSTER PARENT.

14 (A) ORDER REQUIRED.--NOTWITHSTANDING SECTIONS 6324 (RELATING
15 TO TAKING INTO CUSTODY) AND 6351(A) (RELATING TO DISPOSITION OF
16 DEPENDENT CHILD), IF A COUNTY AGENCY PETITIONS THE COURT FOR
17 REMOVAL OF A CHILD BECAUSE THE FOSTER PARENT HAS BEEN CONVICTED
18 OF AN OFFENSE SET FORTH IN 23 PA.C.S. § 6344(C) (RELATING TO

1 INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL), THE
2 COURT SHALL IMMEDIATELY ENTER AN ORDER REMOVING THE CHILD FROM
3 THE FOSTER PARENT.

4 (B) LIMITATION ON PLACEMENT.--IF A COURT ENTERS AN ORDER
5 UNDER SUBSECTION (A), THE FOLLOWING APPLY:

6 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE COURT MAY,
7 UNDER SECTION 6351(A), ENTER AN ORDER OF DISPOSITION BEST
8 SUITED TO THE CHILD'S SAFETY; PROTECTION; AND PHYSICAL,
9 MENTAL AND MORAL WELFARE.

10 (2) NOTWITHSTANDING SECTION 6351(A), IF THE COURT FINDS
11 THAT THE FOSTER PARENT HAS BEEN CONVICTED OF AN OFFENSE SET
12 FORTH IN 23 PA.C.S. § 6344(C), THE COURT HAS NO AUTHORITY TO
13 PLACE OR RETURN THE CHILD TO THE FOSTER PARENT WHO WAS NAMED
14 IN THE PETITION FILED BY THE COUNTY AGENCY UNDER SUBSECTION
15 (A).

16 SECTION 2. SECTION 8331.3 OF TITLE 42 IS AMENDED TO READ:
17 § 8331.3. Criminal victim aid good Samaritan civil immunity.

18 (a) General rule.--Any person who provides or obtains or
19 attempts to provide or obtain assistance for a victim of a
20 PERSONAL INJURY crime [involving death, serious physical injury, <—
21 robbery, burglary, kidnapping, rape, statutory sexual assault,
22 involuntary deviate sexual intercourse, sexual assault,
23 aggravated indecent assault or indecent assault] at the scene of
24 the [criminal act] personal injury crime or attempted [criminal
25 act] personal injury crime shall not be liable for any civil
26 damages as a result of any acts or omissions in providing or
27 obtaining or attempting to provide or obtain assistance, except
28 any acts or omissions intentionally designed to harm or any acts
29 or omissions that constitute gross negligence or willful, wanton
30 or reckless conduct.

1 (b) Definitions.--The terms "personal injury crime" and
2 "victim" shall have the same meanings given to them in section
3 103 of the act of November 24, 1998 (P.L.882, No.111), known as
4 the Crime Victims Act.

5 SECTION 3. THE ADDITION OF 42 PA.C.S. § 6351.1 SHALL APPLY <—
6 TO PETITIONS FILED ON OR AFTER THE EFFECTIVE DATE OF THIS
7 SECTION.

8 Section ~~2~~ 4. This act shall take effect in 60 days. <—