

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 23 Session of 2013

INTRODUCED BY BAKER, TARTAGLIONE, TEPLITZ, WASHINGTON, ERICKSON, BREWSTER, FONTANA, RAFFERTY, YUDICHAK, VULAKOVICH, KASUNIC, WILLIAMS, SMITH, WAUGH, FARNESE, BROWNE, SOLOBAY, SCARNATI, WARD, PILEGGI, BOSCOLA, HUGHES, COSTA, ALLOWAY AND SCHWANK, MARCH 15, 2013

SENATOR MENSCH, AGING AND YOUTH, AS AMENDED, SEPTEMBER 24, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions.

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

6 Section 1. The definitions of "perpetrator" and "person
7 responsible for the child's welfare" in section 6303(a) of Title
8 23 of the Pennsylvania Consolidated Statutes are amended to
9 read:

10 § 6303. Definitions.

11 (a) General rule.--The following words and phrases when used
12 in this chapter shall have the meanings given to them in this
13 section unless the context clearly indicates otherwise:

14 * * *

15 "Perpetrator." A person who has committed child abuse [and
16 is a parent of a child, a person responsible for the welfare of
17 a child, an individual residing in the same home as a child or a

1 ~~paramour of a child's parent]. The term includes only the~~
2 ~~following:~~

- 3 ~~(1) A parent of the child.~~
- 4 ~~(2) A spouse or former spouse of a parent of the child.~~
- 5 ~~(3) A paramour or former paramour of the parent.~~
- 6 ~~(4) An individual who is 14 years of age or older and:~~
 - 7 ~~(i) resides in the same household as the child;~~
 - 8 ~~(ii) is present when and where the alleged child-~~
 - 9 ~~abuse occurred; or~~
 - 10 ~~(iii) is related to the child within the fifth-~~
 - 11 ~~degree of consanguinity or affinity but does not reside-~~
 - 12 ~~in the same household as the child.~~
- 13 ~~(5) A person responsible for the child's welfare.~~

14 PARAMOUR OF A CHILD'S PARENT.] AS DEFINED IN THIS SECTION. THE
15 FOLLOWING SHALL APPLY:

- 16 (1) THE TERM INCLUDES ONLY THE FOLLOWING:
- 17 (I) A PARENT OF THE CHILD.
- 18 (II) A SPOUSE OR FORMER SPOUSE OF THE CHILD'S
- 19 PARENT.
- 20 (III) A PARAMOUR OR FORMER PARAMOUR OF THE CHILD'S
- 21 PARENT.
- 22 (IV) A PERSON 14 YEARS OF AGE OR OLDER AND
- 23 RESPONSIBLE FOR THE CHILD'S WELFARE.
- 24 (V) AN INDIVIDUAL WHO IS 14 YEARS OF AGE OR OLDER
- 25 WHO RESIDES IN THE SAME HOME AS THE CHILD.
- 26 (VI) AN INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO DOES
- 27 NOT RESIDE IN THE SAME HOME AS THE CHILD BUT IS RELATED
- 28 WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY BY
- 29 BIRTH OR ADOPTION TO THE CHILD OR THE SPOUSE, FORMER
- 30 SPOUSE, PARAMOUR OR FORMER PARAMOUR OF THE CHILD'S

1 PARENT.

2 (2) ONLY THE FOLLOWING MAY BE CONSIDERED A PERPETRATOR
3 FOR FAILING TO ACT, AS PROVIDED IN THIS SECTION:

4 (I) A PARENT OF THE CHILD.

5 (II) A SPOUSE OR FORMER SPOUSE OF THE CHILD'S
6 PARENT.

7 (III) A PARAMOUR OR FORMER PARAMOUR OF THE CHILD'S
8 PARENT.

9 (IV) A PERSON 18 YEARS OF AGE OR OLDER AND
10 RESPONSIBLE FOR THE CHILD'S WELFARE.

11 (V) A PERSON 18 YEARS OF AGE OR OLDER WHO RESIDES IN
12 THE SAME HOME AS THE CHILD.

13 "Person responsible for the child's welfare." A person who
14 provides permanent or temporary care, supervision, mental health
15 diagnosis or treatment, training or control of a child in lieu
16 of parental care, supervision and control. [The term does not
17 include a person who is employed by or provides services or
18 programs in any public or private school, intermediate unit or
19 area vocational-technical school.] The term includes an
20 individual who has direct or regular contact with a child
21 through any program, activity or service sponsored by a school,
22 for-profit organization or religious or other not-for-profit
23 organization, regardless of where the child abuse occurs.

24 * * *

25 Section 2. This act shall take effect ~~in 60 days~~ JANUARY 1, <--
26 2014.