

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1867 Session of 2020

INTRODUCED BY BOBACK, T. DAVIS, DONATUCCI, ULLMAN, MURT, YOUNGBLOOD, CIRESI, PICKETT, HELM, STRUZZI, HOWARD AND ROEBUCK, MARCH 2, 2020

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 27, 2020

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in offenses against the family,
3 providing for the offense of unregulated transfer of custody
4 of a child.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 4307. Unregulated transfer of custody of a child.

10 (a) General rule.--Except as provided in this section, a
11 person commits a misdemeanor of the second degree if the person:

12 (1) knowingly conducts an unregulated custody transfer
13 of an adopted child; or

14 (2) facilitates or participates in an unregulated
15 custody transfer by recruiting, enticing, soliciting,
16 harboring, transporting, providing, obtaining or maintaining
17 an adopted child if the person knows or recklessly disregards
18 the fact that the adopted child will be subject to an

1 unregulated custody transfer.

2 (b) Nonapplicability.--This section does not apply to:

3 (1) placement of a child in accordance with the
4 requirements of Article VII(d) of the act of June 13, 1967
5 (P.L.31, No.21), known as the Human Services Code; ~~or~~ <--

6 (2) activity undertaken in conjunction with or under the
7 supervision of a public or private entity that provides
8 adoption services and is licensed, supervised or regulated by
9 the Department of Human Services-; OR <--

10 (3) PLACEMENT OF A CHILD WITH AN ADULT WHO HAS A
11 SIGNIFICANT, POSITIVE RELATIONSHIP WITH THE CHILD OR THE
12 CHILD'S FAMILY AND WITH WHOM THE CHILD IS KNOWN OR REASONABLY
13 BELIEVED TO BE SAFE, IF:

14 (I) THE PLACEMENT IS FOR A DESIGNATED PERIOD OF TIME
15 OR FOR THE DURATION OF A SPECIFIED EVENT; AND

16 (II) THE PLACEMENT IS DUE TO A VACATION, AN
17 EDUCATIONAL FUNCTION OR ACTIVITY OR THE INCARCERATION,
18 MILITARY SERVICE, MEDICAL TREATMENT OR TEMPORARY
19 INCAPACITY OF THE PARENT OR GUARDIAN OF THE CHILD.

20 (c) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "Adopted child." An individual who is under 18 years of age
24 and is the subject of an adoption decree that is valid under the
25 laws of this Commonwealth or another state or foreign or
26 international law.

27 "Unregulated custody transfer." A transaction by an adoptive
28 parent or other individual having legal custody of an adopted
29 child, undertaken without court approval and with the intent to
30 ~~abdicate~~ ABANDON OR PERMANENTLY AVOID parental responsibility <--

1 for the child.

2 Section 2. This act shall take effect in 60 days.