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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2174 Session of  
2021

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INTRODUCED BY MAJOR AND BROOKS, DECEMBER 16, 2021

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, DECEMBER 16, 2021

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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 "founded report," "school" and  
7 "student" in section 6303(a) of Title 23 of the Pennsylvania  
8 Consolidated Statutes are amended to read:

9 § 6303. Definitions.

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

13 \* \* \*

14 "Founded report." A child abuse report involving a  
15 perpetrator that is made pursuant to this chapter, if any of the  
16 following applies:

17 (1) There has been a judicial adjudication based on a  
18 finding that a child who is a subject of the report has been  
19 abused and the adjudication involves the same factual

1 circumstances involved in the allegation of child abuse. The  
2 judicial adjudication may include any of the following:

3 (i) The entry of a plea of guilty or nolo  
4 contendere.

5 (ii) A finding of guilt to a criminal charge.

6 (iii) A finding of dependency under 42 Pa.C.S. §  
7 6341 (relating to adjudication) if the court has entered  
8 a finding that a child who is the subject of the report  
9 has been abused.

10 (iv) A finding of delinquency under 42 Pa.C.S. §  
11 6341 if the court has entered a finding that the child  
12 who is the subject of the report has been abused by the  
13 child who was found to be delinquent.

14 [(2) There has been an acceptance into an accelerated  
15 rehabilitative disposition program and the reason for the  
16 acceptance involves the same factual circumstances involved  
17 in the allegation of child abuse.]

18 (3) There has been a consent decree entered in a  
19 juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to  
20 juvenile matters), the decree involves the same factual  
21 circumstances involved in the allegation of child abuse and  
22 the terms and conditions of the consent decree include an  
23 acknowledgment, admission or finding that a child who is the  
24 subject of the report has been abused by the child who is  
25 alleged to be delinquent.

26 (4) A final protection from abuse order has been granted  
27 under section 6108 (relating to relief), when the child who  
28 is a subject of the report is one of the individuals  
29 protected under the protection from abuse order and:

30 (i) only one individual is charged with the abuse in

1 the protection from abuse action;  
2 (ii) only that individual defends against the  
3 charge;  
4 (iii) the adjudication involves the same factual  
5 circumstances involved in the allegation of child abuse;  
6 and  
7 (iv) the protection from abuse adjudication finds  
8 that the child abuse occurred.

9 \* \* \*

10 "School." A facility providing elementary, secondary or  
11 postsecondary educational services. The term includes the  
12 following:

- 13 (1) Any school of a school district.
- 14 (2) An area [vocational-technical] career and technical  
15 school.
- 16 (3) A joint school.
- 17 (4) An intermediate unit.
- 18 (5) A charter school or regional charter school.
- 19 (6) A cyber charter school.
- 20 (7) A private school licensed under the act of January  
21 28, 1988 (P.L.24, No.11), known as the Private Academic  
22 Schools Act.
- 23 (8) A private school accredited by an accrediting  
24 association approved by the State Board of Education.
- 25 (9) A nonpublic school.
- 26 (10) An institution of higher education.
- 27 (14) A private school licensed under the act of December  
28 15, 1986 (P.L.1585, No.174), known as the Private Licensed  
29 Schools Act.
- 30 (15) The Hiram G. Andrews Center.

1           (16) A private residential rehabilitative institution as  
2 defined in section 914.1-A(c) of the Public School Code of  
3 1949.

4           \* \* \*

5           "Student." An individual enrolled in a public or private  
6 school, intermediate unit or area [vocational-technical] career  
7 and technical school who is under 18 years of age.

8           \* \* \*

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