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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 746 Session of  
2015

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INTRODUCED BY HUGHES, EICHELBERGER, BREWSTER, RAFFERTY,  
VULAKOVICH, FONTANA, GREENLEAF, SCHWANK, COSTA AND MENSCH,  
APRIL 23, 2015

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REFERRED TO PUBLIC HEALTH AND WELFARE, APRIL 23, 2015

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AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic  
2 Relations) and 42 (Judiciary and Judicial Procedure) of the  
3 Pennsylvania Consolidated Statutes, making editorial changes  
4 by replacing references to the former Department of Public  
5 Welfare with the Department of Human Services.

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

8 Section 1. Sections 2713(c) and 3124.2(b) of Title 18 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 2713. Neglect of care-dependent person.

11 \* \* \*

12 (c) Report during investigation.--When in the course of  
13 conducting any regulatory or investigative responsibility, the  
14 Department of Aging, the Department of Health or the Department  
15 of [Public Welfare] Human Services has a reasonable cause to  
16 believe that a care-dependent person or care-dependent persons  
17 residing in a facility have suffered bodily injury or been  
18 unlawfully restrained in violation of subsection (a)(1) or (2),  
19 a report shall be made immediately to the local law enforcement

1 agency or to the Office of Attorney General.

2 \* \* \*

3 § 3124.2. Institutional sexual assault.

4 \* \* \*

5 (b) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection unless the context clearly indicates otherwise:

8 "Agent." A person who is assigned to work in a State or  
9 county correctional or juvenile detention facility, a youth  
10 development center, youth forestry camp, other licensed  
11 residential facility serving children and youth or mental health  
12 or mental retardation facility or institution, who is employed  
13 by any State or county agency or any person employed by an  
14 entity providing contract services to the agency.

15 "Center for children." Includes a child day-care center,  
16 group and family day-care home, boarding home for children, a  
17 center providing early intervention and drug and alcohol  
18 services for children or other facility which provides child-  
19 care services which are subject to approval, licensure,  
20 registration or certification by the Department of [Public  
21 Welfare] Human Services or a county social services agency or  
22 which are provided pursuant to a contract with the department or  
23 a county social services agency. The term does not include a  
24 youth development center, youth forestry camp, State or county  
25 juvenile detention facility and other licensed residential  
26 facility serving children and youth.

27 Section 2. The definition of "criminal justice agency" in  
28 section 9102 of Title 18 is amended to read:

29 § 9102. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Criminal justice agency." Any court, including the minor  
5 judiciary, with criminal jurisdiction or any other governmental  
6 agency, or subunit thereof, created by statute or by the State  
7 or Federal constitutions, specifically authorized to perform as  
8 its principal function the administration of criminal justice,  
9 and which allocates a substantial portion of its annual budget  
10 to such function. Criminal justice agencies include, but are not  
11 limited to: organized State and municipal police departments,  
12 local detention facilities, county, regional and State  
13 correctional facilities, probation agencies, district or  
14 prosecuting attorneys, parole boards, pardon boards, the  
15 facilities and administrative offices of the Department of  
16 [Public Welfare] Human Services that provide care, guidance and  
17 control to adjudicated delinquents, and such agencies or  
18 subunits thereof, as are declared by the Attorney General to be  
19 criminal justice agencies as determined by a review of  
20 applicable statutes and the State and Federal Constitutions or  
21 both.

22 \* \* \*

23 Section 3. Section 9121(b.1) of Title 18 is amended to read:  
24 § 9121. General regulations.

25 \* \* \*

26 (b.1) Exception.--Subsection (b)(1) and (2) shall not apply  
27 if the request is made by a county children and youth agency or  
28 the Department of [Public Welfare] Human Services in the  
29 performance of duties relating to children and youth under the  
30 act of June 24, 1937 (P.L.2017, No.396), known as the County

1 Institution District Law, section 2168 of the act of August 9,  
2 1955 (P.L.323, No.130), known as The County Code, the act of  
3 June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,  
4 23 Pa.C.S. Ch. 63 (relating to child protective services) or 42  
5 Pa.C.S. Ch. 63 (relating to juvenile matters).

6 \* \* \*

7 Section 4. The definition of "agency" in section 2102 of  
8 Title 23 is amended to read:

9 § 2102. Definitions.

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

13 \* \* \*

14 "Agency." Any incorporated or unincorporated organization,  
15 society, institution or other entity, public or voluntary, which  
16 may receive or provide for the care of children, supervised by  
17 the Department of [Public Welfare] Human Services and providing  
18 adoption services in accordance with standards established by  
19 the department.

20 \* \* \*

21 Section 5. Sections 2503(e), 2504(d), 2505(e) and 2511(c) of  
22 Title 23 are amended to read:

23 § 2503. Hearing.

24 \* \* \*

25 (e) Right to file personal and medical history  
26 information.--At the time the decree of termination is  
27 transmitted to the parent whose rights are terminated, the court  
28 shall advise that parent, in writing, of his or her continuing  
29 right to place and update personal and medical history  
30 information, whether or not the medical condition is in

1 existence or discoverable at the time of adoption, on file with  
2 the court and with the Department of [Public Welfare] Human  
3 Services pursuant to Subchapter B of Chapter 29 (relating to  
4 records and access to information).

5 § 2504. Alternative procedure for relinquishment.

6 \* \* \*

7 (d) Right to file personal and medical history  
8 information.--At the time the decree of termination is  
9 transmitted to the parent, the court shall also advise, in  
10 writing, the parent whose rights have been terminated of his or  
11 her continuing right to place and update personal and medical  
12 history information, whether or not the medical condition is in  
13 existence or discoverable at the time of adoption, on file with  
14 the court and with the Department of [Public Welfare] Human  
15 Services pursuant to Subchapter B of Chapter 29 (relating to  
16 records and access to information).

17 § 2505. Counseling.

18 \* \* \*

19 (e) Counseling fund.--Except as hereinafter provided, each  
20 report of intention to adopt filed pursuant to section 2531  
21 (relating to report of intention to adopt) shall be accompanied  
22 by a filing fee in the amount of \$75 which shall be paid into a  
23 segregated fund established by the county. The county may also  
24 make supplemental appropriations to the fund. All costs of  
25 counseling provided pursuant to subsection (c) or (d) to  
26 individuals who are unable to pay for such counseling shall be  
27 paid from the fund. No filing fee may be exacted under this  
28 subsection with respect to the adoption of a special needs child  
29 who would be eligible for adoption assistance pursuant to  
30 regulations promulgated by the Department of [Public Welfare]

1 Human Services. In addition, the court may reduce or waive the  
2 fee in cases of demonstrated financial hardship.

3 § 2511. Grounds for involuntary termination.

4 \* \* \*

5 (c) Right to file personal and medical history  
6 information.--At the time the decree of termination is  
7 transmitted to the parent whose rights have been terminated, the  
8 court shall advise the parent, in writing, of his or her  
9 continuing right to place and update personal and medical  
10 history information, whether or not the medical condition is in  
11 existence or discoverable at the time of adoption, on file with  
12 the court and with the Department of [Public Welfare] Human  
13 Services pursuant to Subchapter B of Chapter 29 (relating to  
14 records and access to information).

15 Section 6. The definition of "department" in section 2551 of  
16 Title 23 is amended to read:

17 § 2551. Definitions.

18 The following words and phrases when used in this subchapter  
19 shall have the meanings given to them in this section unless the  
20 context clearly indicates otherwise:

21 "Department." The Department of [Public Welfare] Human  
22 Services of the Commonwealth.

23 \* \* \*

24 Section 7. Section 2552 of Title 23 is amended to read:

25 § 2552. Pennsylvania Adoption Cooperative Exchange.

26 There shall be a Pennsylvania Adoption Cooperative Exchange  
27 in the Office of Children, Youth and Families of the Department  
28 of [Public Welfare] Human Services.

29 Section 8. The definitions of "agency," "county agency" and  
30 "department" in section 2732 of Title 23 are amended to read:

1 § 2732. Definitions.

2 The following words and phrases when used in this subchapter  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Agency." A public or private entity, including a county  
6 agency, that:

7 (1) is licensed, supervised or regulated by the  
8 Department of [Public Welfare] Human Services; and

9 (2) provides adoption services.

10 \* \* \*

11 "County agency." A county children and youth social service  
12 agency established under section 405 of the act of June 24, 1937  
13 (P.L.2017, No.396), known as the County Institution District  
14 Law, or its successor, and supervised by the Department of  
15 [Public Welfare] Human Services under Article IX of the act of  
16 June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

17 "Department." The Department of [Public Welfare] Human  
18 Services of the Commonwealth.

19 Section 9. Section 2910 of Title 23 is amended to read:

20 § 2910. Penalty for unauthorized disclosure.

21 Any officer or employee of the court, other than a judge  
22 thereof, the Department of Health, the Department of [Public  
23 Welfare] Human Services or any agency who willfully discloses  
24 impounded or otherwise confidential information relating to an  
25 adoption, other than as expressly authorized and provided in  
26 this chapter, commits a misdemeanor of the third degree.

27 Section 10. The definition of "department" in section 2911  
28 of Title 23 is amended to read:

29 § 2911. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Department." The Department of [Public Welfare] Human  
5 Services of the Commonwealth.

6 \* \* \*

7 Section 11. The definitions of "department" and "State  
8 disbursement unit" in section 4302 of Title 23 are amended to  
9 read:

10 § 4302. Definitions.

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

14 \* \* \*

15 "Department." The Department of [Public Welfare] Human  
16 Services of the Commonwealth.

17 \* \* \*

18 "State disbursement unit." The organizational unit  
19 established within the Department of [Public Welfare] Human  
20 Services responsible for collecting and disbursing support as  
21 provided in section 4374 (relating to State disbursement unit).

22 \* \* \*

23 Section 12. Sections 4306(c), 4343(c)(6) and 4355(d.6) of  
24 Title 23 are amended to read:

25 § 4306. Duties of Title IV-D attorney.

26 \* \* \*

27 (c) Joinder of Department of [Public Welfare] Human  
28 Services.--Whenever the record in any support action or  
29 proceeding indicates that the persons for whom support is sought  
30 have received public assistance from the Department of [Public

1 Welfare] Human Services at any time since the initiation of the  
2 matter, the department may become a party to the action or  
3 proceeding by filing an entry of appearance. This entry of  
4 appearance may be entered without leave of court at any time and  
5 at any stage of the action or proceeding.

6 § 4343. Paternity.

7 \* \* \*

8 (c) Genetic tests.--

9 \* \* \*

10 (6) A determination of nonpaternity made by another  
11 state with respect to a public assistance recipient shall not  
12 be binding upon the Department of [Public Welfare] Human  
13 Services unless the defendant shows that the department had  
14 actual notice of the proceedings, including the date and time  
15 of any trial, and a fair opportunity to participate in all  
16 material proceedings through counsel of its own choice.

17 § 4355. Denial or suspension of licenses.

18 \* \* \*

19 (d.6) Immunity.--The court, the domestic relations section,  
20 the Department of [Public Welfare] Human Services, the  
21 Department of Transportation, the Pennsylvania Game Commission,  
22 the Pennsylvania Fish and Boat Commission or any employee of any  
23 of these entities or any person appointed by the Pennsylvania  
24 Game Commission or the Pennsylvania Fish and Boat Commission to  
25 issue licenses and permits pursuant to the applicable provisions  
26 of 30 Pa.C.S. (relating to fish) and 34 Pa.C.S. (relating to  
27 game) shall not be subject to civil or criminal liability for  
28 carrying out their duties under this section.

29 \* \* \*

30 Section 13. The definition of "department" in section 4602

1 of Title 23 is amended to read:

2 § 4602. Definitions.

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

6 \* \* \*

7 "Department." The Department of [Public Welfare] Human  
8 Services of the Commonwealth.

9 Section 14. Sections 5103(a), (b), (c)(1), (e) and (f),  
10 5329.1(b)(1) and (2), 6106(d)(3) and 6114(b)(2)(iii) of Title 23  
11 are amended to read:

12 § 5103. Acknowledgment and claim of paternity.

13 (a) Acknowledgment of paternity.--The father of a child born  
14 to an unmarried woman may file with the Department of [Public  
15 Welfare] Human Services, on forms prescribed by the department,  
16 an acknowledgment of paternity of the child which shall include  
17 the consent of the mother of the child, supported by her  
18 witnessed statement subject to 18 Pa.C.S. § 4904 (relating to  
19 unsworn falsification to authorities). In such case, the father  
20 shall have all the rights and duties as to the child which he  
21 would have had if he had been married to the mother at the time  
22 of the birth of the child, and the child shall have all the  
23 rights and duties as to the father which the child would have  
24 had if the father had been married to the mother at the time of  
25 birth. The hospital or other person accepting an acknowledgment  
26 of paternity shall provide written and oral notice, which may be  
27 through the use of video or audio equipment, to the birth mother  
28 and birth father of the alternatives to, the legal consequences  
29 of and the rights and responsibilities that arise from, signing  
30 the acknowledgment.

1 (b) Claim of paternity.--If the mother of the child fails or  
2 refuses to join in the acknowledgment of paternity provided for  
3 in subsection (a), the Department of [Public Welfare] Human  
4 Services shall index it as a claim of paternity. The filing and  
5 indexing of a claim of paternity shall not confer upon the  
6 putative father any rights as to the child except that the  
7 putative father shall be entitled to notice of any proceeding  
8 brought to terminate any parental rights as to the child.

9 (c) Duty of hospital or birthing center.--Upon the birth of  
10 a child to an unmarried woman, an agent of the hospital or  
11 birthing center where the birth occurred shall:

12 (1) Provide the newborn's birth parents with an  
13 opportunity to complete an acknowledgment of paternity. The  
14 completed, signed and witnessed acknowledgment shall be sent  
15 to the Department of [Public Welfare] Human Services. A copy  
16 shall be given to each of the birth parents. This  
17 acknowledgment shall contain:

18 (i) A signed, witnessed statement subject to 18  
19 Pa.C.S. § 4904 (relating to unsworn falsification to  
20 authorities) by the birth mother consenting to the  
21 acknowledgment of paternity.

22 (ii) A signed, witnessed statement subject to 18  
23 Pa.C.S. § 4904 by the birth father acknowledging his  
24 paternity.

25 (iii) A written explanation of the parental duties  
26 and parental rights which arise from signing such a  
27 statement.

28 (iv) The Social Security numbers and addresses of  
29 both birth parents.

30 \* \* \*

1 (e) Transfer.--The Department of Health shall transfer to  
2 the Department of [Public Welfare] Human Services all  
3 acknowledgments or claims of paternity filed with the Department  
4 of Health under prior statutes.

5 (f) Certifications.--The Department of [Public Welfare]  
6 Human Services shall provide necessary certifications under Part  
7 III (relating to adoption) as to whether any acknowledgment or  
8 claim of paternity has been filed in regard to any child who is  
9 a prospective adoptive child.

10 \* \* \*

11 § 5329.1. Consideration of child abuse and involvement with  
12 protective services.

13 \* \* \*

14 (b) Cooperation.--The following apply:

15 (1) The Department of [Public Welfare] Human Services  
16 and the county children and youth social service agency shall  
17 fully cooperate with the court and assist the court in  
18 fulfilling its duties under this section.

19 (2) The Department of [Public Welfare] Human Services  
20 and the county children and youth social service agency shall  
21 fully cooperate with the governing authority in order to  
22 implement the provisions of this section.

23 \* \* \*

24 § 6106. Commencement of proceedings.

25 \* \* \*

26 (d) Surcharge on order.--When a protection order is granted  
27 under section 6107(a) (relating to hearings), other than  
28 pursuant to an agreement of the parties, a surcharge of \$100  
29 shall be assessed against the defendant. All moneys received  
30 from surcharges shall be distributed in the following order of

1 priority:

2 \* \* \*

3 (3) \$25 shall be forwarded to the Department of [Public  
4 Welfare] Human Services for use for victims of domestic  
5 violence in accordance with the provisions of section 2333 of  
6 the act of April 9, 1929 (P.L.177, No.175), known as The  
7 Administrative Code of 1929.

8 \* \* \*

9 § 6114. Contempt for violation of order or agreement.

10 \* \* \*

11 (b) Trial and punishment.--

12 \* \* \*

13 (2) All money received under this section shall be  
14 distributed in the following order of priority:

15 \* \* \*

16 (iii) \$100 shall be forwarded to the Department of  
17 [Public Welfare] Human Services for use for victims of  
18 domestic violence in accordance with the provisions of  
19 section 2333 of the act of April 9, 1929 (P.L.177,  
20 No.175), known as The Administrative Code of 1929.

21 \* \* \*

22 Section 15. The definition of "department" in section 6502  
23 of Title 23 is amended to read:

24 § 6502. Definitions.

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

28 \* \* \*

29 "Department." The Department of [Public Welfare] Human  
30 Services of the Commonwealth.

1 \* \* \*

2 Section 16. The definitions of "department," "obligee" and  
3 "secretary" in section 7101(b) of Title 23 are amended to read:  
4 § 7101. Short title of part and definitions.

5 \* \* \*

6 (b) Definitions.--Subject to additional definitions  
7 contained in subsequent provisions of this part which are  
8 applicable to specific provisions of this part, the following  
9 words and phrases when used in this part shall have the meanings  
10 given to them in this section unless the context clearly  
11 indicates otherwise:

12 \* \* \*

13 "Department." The Department of [Public Welfare] Human  
14 Services of the Commonwealth.

15 \* \* \*

16 "Obligee." Any of the following:

17 (1) An individual to whom a duty of support is or is  
18 alleged to be owed or in whose favor a support order has been  
19 issued or a judgment determining parentage has been rendered.

20 (2) A state or political subdivision to which the rights  
21 under a duty of support or support order have been assigned  
22 or which has independent claims based on financial assistance  
23 provided to an individual obligee.

24 (3) An individual seeking a judgment determining  
25 parentage of the individual's child.

26 (4) The Department of [Public Welfare] Human Services.

27 \* \* \*

28 "Secretary." The Secretary of [Public Welfare] Human  
29 Services of the Commonwealth.

30 \* \* \*

1 Section 17. The definitions of "department," "obligee" and  
2 "secretary" in section 8101(b) of Title 23 are amended to read:  
3 § 8101. Short title of part and definitions.

4 \* \* \*

5 (b) Definitions.--Subject to additional definitions  
6 contained in subsequent provisions of this part which are  
7 applicable to specific provisions of this part, the following  
8 words and phrases when used in this part shall have the meanings  
9 given to them in this section unless the context clearly  
10 indicates otherwise:

11 \* \* \*

12 "Department." The Department of [Public Welfare] Human  
13 Services of the Commonwealth.

14 \* \* \*

15 "Obligee." Any of the following:

16 (1) An individual to whom a duty of support is or is  
17 alleged to be owed or in whose favor a support order has been  
18 issued or a judgment determining parentage has been rendered.

19 (2) A political subdivision to which the rights under a  
20 duty of support or support order have been assigned or which  
21 has independent claims based on financial assistance provided  
22 to an individual obligee.

23 (3) An individual seeking a judgment determining  
24 parentage of the individual's child.

25 (4) The Department of [Public Welfare] Human Services.

26 \* \* \*

27 "Secretary." The Secretary of [Public Welfare] Human  
28 Services of the Commonwealth.

29 \* \* \*

30 Section 18. Sections 3721(c)(2)(i) and 4521.1(a)(1) of Title

1 42 are amended to read:

2 § 3721. County judicial center or courthouse.

3 \* \* \*

4 (c) Child-care facilities.--

5 \* \* \*

6 (2) If a child-care facility is provided under paragraph  
7 (1):

8 (i) The child-care facility shall be licensed and  
9 operated pursuant to Articles IX and X of the act of June  
10 13, 1967 (P.L.31, No.21), known as the Public Welfare  
11 Code, and regulations of the Department of [Public  
12 Welfare] Human Services.

13 \* \* \*

14 § 4521.1. Statewide jury information system.

15 (a) General rule.--Notwithstanding any prohibition found in  
16 any other law, regulation or rule to the contrary, the following  
17 departments shall submit to the Court Administrator of  
18 Pennsylvania, in a format provided herein, a list of individuals  
19 as designated for that department to be included in a Statewide  
20 jury information system on or before October 31 of each year:

21 (1) The Department of [Public Welfare] Human Services -  
22 every individual resident in this Commonwealth who receives  
23 cash assistance or food stamps pursuant to a Federal or State  
24 program through the department except as prohibited by  
25 Federal law or regulation.

26 \* \* \*

27 Section 19. The definition of "eligible legal services  
28 provider" in section 4903 of Title 42 is amended to read:

29 § 4903. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Eligible legal services provider." A not-for-profit entity  
5 incorporated in this Commonwealth, tax exempt under section  
6 501(c) (3) of the Internal Revenue Code of 1986 (Public Law 99-  
7 514, 26 U.S.C. § 501(c) (3)) or any successor provision, which  
8 operates within this Commonwealth for the primary purpose of  
9 providing civil legal services without charge and which operates  
10 to provide such civil legal services to eligible clients and  
11 victims of abuse under contract or subcontract with the  
12 Department of [Public Welfare] Human Services for the  
13 expenditure of funds appropriated by the General Assembly for  
14 the provision of legal services.

15 \* \* \*

16 Section 20. Sections 62A05(c.1) (3) and (d) (5) and 62A14(d)  
17 (5) (iii) of Title 42 are amended to read:  
18 § 62A05. Commencement of proceedings.

19 \* \* \*

20 (c.1) Surcharge on order.--When an order is granted under  
21 section 62A06 (relating to hearings), a surcharge of \$100 shall  
22 be assessed against the defendant. All moneys received from  
23 surcharges shall be distributed in the following order of  
24 priority:

25 \* \* \*

26 (3) Twenty-five dollars shall be forwarded to the  
27 Department of [Public Welfare] Human Services for use for  
28 victims of sexual assault in accordance with the provisions  
29 of section 2333 of the act of April 9, 1929 (P.L.177,  
30 No.175), known as The Administrative Code of 1929.

1 \* \* \*

2 (d) Service.--

3 \* \* \*

4 (5) In the case of a minor victim of sexual violence, a  
5 copy of the petition and order shall be served upon the  
6 county agency and the Department of [Public Welfare] Human  
7 Services. For purposes of this subparagraph, the term "county  
8 agency" shall be as defined in 23 Pa.C.S. § 6303 (relating to  
9 definitions).

10 \* \* \*

11 § 62A14. Contempt for violation of order.

12 \* \* \*

13 (d) Trial and punishment.--

14 \* \* \*

15 (5) All moneys received under this section shall be  
16 distributed in the following order of priority:

17 \* \* \*

18 (iii) One hundred dollars shall be forwarded to the  
19 Department of [Public Welfare] Human Services for use for  
20 victims of sexual assault in accordance with the  
21 provisions of section 2333 of the act of April 9, 1929  
22 (P.L.177, No.175), known as The Administrative Code of  
23 1929.

24 \* \* \*

25 Section 21. The definition of "shelter care" in section 6302  
26 of Title 42 is amended to read:

27 § 6302. Definitions.

28 The following words and phrases when used in this chapter  
29 shall have, unless the context clearly indicates otherwise, the  
30 meanings given to them in this section:

1 \* \* \*

2 "Shelter care." Temporary care of a child in physically  
3 unrestricted facilities. A facility approved by the Department  
4 of [Public Welfare] Human Services to provide shelter care may  
5 be located in the same building as a facility approved to  
6 provide secure detention services provided that children  
7 receiving shelter care services are segregated from the children  
8 receiving secure detention services as required by the  
9 department.

10 Section 22. Sections 6307(a)(6.5), 6308(a)(6), 6327(a)(3)  
11 and (4), (c.1)(1), (e) and (f), 6336.1(b)(3), 6352(a)(3) and (4)  
12 and 6353(c) of Title 42 are amended to read:

13 § 6307. Inspection of court files and records.

14 (a) General rule.--All files and records of the court in a  
15 proceeding under this chapter are open to inspection only by:

16 \* \* \*

17 (6.5) The Department of [Public Welfare] Human Services  
18 for use in determining whether an individual named as the  
19 perpetrator of an indicated report of child abuse should be  
20 expunged from the Statewide database.

21 \* \* \*

22 § 6308. Law enforcement records.

23 (a) General rule.--Law enforcement records and files  
24 concerning a child shall be kept separate from the records and  
25 files of arrests of adults. Unless a charge of delinquency is  
26 transferred for criminal prosecution under section 6355  
27 (relating to transfer to criminal proceedings), the interest of  
28 national security requires, or the court otherwise orders in the  
29 interest of the child, the records and files shall not be open  
30 to public inspection or their contents disclosed to the public

1 except as provided in subsection (b); but inspection of the  
2 records and files is permitted by:

3 \* \* \*

4 (6) The Department of [Public Welfare] Human Services  
5 for use in determining whether an individual named as the  
6 perpetrator of an indicated report of child abuse should be  
7 expunged from the Statewide database.

8 \* \* \*

9 § 6327. Place of detention.

10 (a) General rule.--A child alleged to be delinquent may be  
11 detained only in:

12 \* \* \*

13 (3) A detention home, camp, center or other facility for  
14 delinquent children which is under the direction or  
15 supervision of the court or other public authority or private  
16 agency, and is approved by the Department of [Public Welfare]  
17 Human Services.

18 (4) Any other suitable place or facility, designated or  
19 operated by the court and approved by the Department of  
20 [Public Welfare] Human Services.

21 Under no circumstances shall a child be detained in any facility  
22 with adults, or where the child is apt to be abused by other  
23 children.

24 \* \* \*

25 (c.1) Detention of child.--

26 (1) A child who is subject to criminal proceedings  
27 having been charged with an act set forth under paragraph  
28 (2) (i), (ii) or (iii) of the definition of "delinquent act"  
29 in section 6302, who has not been released on bail and who  
30 may seek or is seeking transfer to juvenile proceedings under

1 section 6322 (relating to transfer from criminal proceedings)  
2 may be detained in a secure detention facility approved by  
3 the Department of [Public Welfare] Human Services for the  
4 detention of alleged and adjudicated delinquent children if  
5 the attorney for the Commonwealth has consented to and the  
6 court has ordered the detention.

7 \* \* \*

8 (e) Detention of dependent child.--A child alleged to be  
9 dependent may be detained or placed only in a Department of  
10 [Public Welfare] Human Services approved shelter care facility  
11 as stated in subsection (a) (1), (2) and (4), and shall not be  
12 detained in a jail or other facility intended or used for the  
13 detention of adults charged with criminal offenses, but may be  
14 detained in the same shelter care facilities with alleged or  
15 adjudicated delinquent children.

16 (f) Development of approved shelter care programs.--The  
17 Department of [Public Welfare] Human Services shall develop or  
18 assist in the development in each county of this Commonwealth  
19 approved programs for the provision of shelter care for children  
20 needing these services who have been taken into custody under  
21 section 6324 (relating to taking into custody) and for children  
22 referred to or under the jurisdiction of the court.

23 § 6336.1. Notice and hearing.

24 \* \* \*

25 (b) Permanency hearings.--

26 \* \* \*

27 (3) The Department of [Public Welfare] Human Services  
28 shall develop a form for use by a foster parent or parents,  
29 preadoptive parent or relative providing care for the child,  
30 including, but not limited to, the following information:

- 1 (i) Date of completion.
- 2 (ii) Name and address of child.
- 3 (iii) Name and address of foster parent or parents,  
4 preadoptive parent or relative providing care for the  
5 child. The information under this subparagraph shall be  
6 considered confidential except at the discretion of the  
7 court.
- 8 (iv) Name of primary caseworker and agency.
- 9 (v) Description of child's adjustment in the home.
- 10 (vi) Description of child's interaction with foster  
11 parent or parents, preadoptive parent or relative  
12 providing care and with family members of individuals  
13 referred to in this subparagraph.
- 14 (vii) Description of child's interaction with  
15 others.
- 16 (viii) Evaluation of child's respect for property.
- 17 (ix) Description of physical and emotional condition  
18 of child.
- 19 (x) Description of child's interaction with the  
20 primary caseworker.
- 21 (xi) Description of caseworker's interaction with  
22 the child and foster parent or parents, preadoptive  
23 parent or relative providing care for the child and with  
24 family members of individuals referred to in this  
25 paragraph.
- 26 (xii) Description of educational status, grades,  
27 attendance and behavior of child in school or child's  
28 experience in a child day-care setting or early childhood  
29 development program.
- 30 (xiii) Description of child's experience involving

1           visitation with birth parents, specifying if visitation  
2           is supervised or unsupervised and any significant events  
3           which occurred.

4           (xiv) Opinion on overall adjustment, progress and  
5           condition of the child.

6           (xv) Other concerns, comments or recommendations.

7           \* \* \*

8 § 6352. Disposition of delinquent child.

9           (a) General rule.--If the child is found to be a delinquent  
10          child the court may make any of the following orders of  
11          disposition determined to be consistent with the protection of  
12          the public interest and best suited to the child's treatment,  
13          supervision, rehabilitation and welfare, which disposition  
14          shall, as appropriate to the individual circumstances of the  
15          child's case, provide balanced attention to the protection of  
16          the community, the imposition of accountability for offenses  
17          committed and the development of competencies to enable the  
18          child to become a responsible and productive member of the  
19          community:

20          \* \* \*

21          (3) Committing the child to an institution, youth  
22          development center, camp, or other facility for delinquent  
23          children operated under the direction or supervision of the  
24          court or other public authority and approved by the  
25          Department of [Public Welfare] Human Services.

26          (4) If the child is 12 years of age or older, committing  
27          the child to an institution operated by the Department of  
28          [Public Welfare] Human Services.

29          \* \* \*

30 § 6353. Limitation on and change in place of commitment.

1 \* \* \*

2 (c) Notice of available facilities and services.--

3 Immediately after the Commonwealth adopts its budget, the  
4 Department of [Public Welfare] Human Services shall notify the  
5 courts and the General Assembly, for each Department of [Public  
6 Welfare] Human Services region, of the available:

7 (1) Secure beds for the serious juvenile offenders.

8 (2) General residential beds for the adjudicated  
9 delinquent child.

10 (3) The community-based programs for the adjudicated  
11 delinquent child.

12 If the population at a particular institution or program exceeds  
13 110% of capacity, the department shall notify the courts and the  
14 General Assembly that intake to that institution or program is  
15 temporarily closed and shall make available equivalent services  
16 to children in equivalent facilities.

17 Section 23. The definition of "department" in section 6402  
18 of Title 42 is amended to read:

19 § 6402. Definitions.

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

23 \* \* \*

24 "Department." The Department of [Public Welfare] Human  
25 Services of the Commonwealth.

26 \* \* \*

27 Section 24. Sections 6403(b)(3), 6406 heading, 9727(b)(1),  
28 (c) and (f)(3), 9777(d)(2), 9799.16(d), 9799.20, 9799.22(d) and  
29 9799.31(13) of Title 42 are amended to read:

30 § 6403. Court-ordered involuntary treatment.

1 \* \* \*

2 (b) Procedures for initiating court-ordered involuntary  
3 commitment.--

4 \* \* \*

5 (3) The court shall set a date for the hearing which  
6 shall be held within 30 days of the filing of the petition  
7 pursuant to paragraph (1) and direct the person to appear for  
8 the hearing. A copy of the petition and notice of the hearing  
9 date shall be served on the person, the attorney who  
10 represented the person at the most recent dispositional  
11 review hearing pursuant to section 6358(e) and the county  
12 solicitor or a designee. A copy of the petition, the  
13 assessment and notice of the hearing date shall also be  
14 provided to the director of the facility operated by the  
15 department pursuant to section 6406(a) (relating to duty of  
16 Department of [Public Welfare] Human Services). The person  
17 and the attorney who represented the person shall, along with  
18 copies of the petition, also be provided with written notice  
19 advising that the person has the right to counsel and that,  
20 if he cannot afford one, counsel shall be appointed for the  
21 person.

22 \* \* \*

23 § 6406. Duty of Department of [Public Welfare] Human Services.

24 \* \* \*

25 § 9727. Disposition of persons found guilty but mentally ill.

26 \* \* \*

27 (b) Treatment.--

28 (1) An offender who is severely mentally disabled and in  
29 need of treatment at the time of sentencing shall, consistent  
30 with available resources, be provided such treatment as is

1       psychiatrically or psychologically indicated for his mental  
2       illness. Treatment may be provided by the Bureau of  
3       Correction, by the county or by the Department of [Public  
4       Welfare] Human Services in accordance with the "Mental Health  
5       Procedures Act."

6           \* \* \*

7       (c) Discharge report.--When a treating facility designated  
8       by either the Bureau of Correction or the Department of [Public  
9       Welfare] Human Services discharges such a defendant from  
10      treatment prior to the expiration of his maximum sentence, that  
11      treating facility shall transmit to the Pennsylvania Board of  
12      Probation and Parole, the correctional facility or county jail  
13      to which the offender is being returned and the sentencing judge  
14      a report on the condition of the offender together with the  
15      reasons for its judgments, which describes:

- 16           (1) The defendant's behavior.
- 17           (2) The course of treatment.
- 18           (3) The potential for recurrence of the behavior.
- 19           (4) The potential for danger to himself or the public.
- 20           (5) Recommendations for future treatment.

21           \* \* \*

22       (f) Probation.--

23           \* \* \*

24       (3) Treatment shall be provided by an agency approved by  
25      the Department of [Public Welfare] Human Services or, with  
26      the approval of the sentencing court and at individual  
27      expense, by private agencies, private physicians or other  
28      mental health personnel. A mental health status report,  
29      containing the information set forth in subsection (c), shall  
30      be filed with the probation officer and the sentencing court

1 every three months during the period of probation. If a  
2 motion on a petition to discontinue probation is made by the  
3 defendant, the probation officer shall request a report as  
4 specified from the treating facility.

5 § 9777. Transfer of inmates in need of medical treatment.

6 \* \* \*

7 (d) Notice.--

8 \* \* \*

9 (2) The sentencing court shall forward notice of any  
10 order entered under this section placing an inmate in a  
11 hospital, long-term care nursing facility or hospice care  
12 location to the hospital, long-term care nursing facility or  
13 hospice care location and to the Department of [Public  
14 Welfare] Human Services.

15 \* \* \*

16 § 9799.16. Registry.

17 \* \* \*

18 (d) Cooperation.--There shall be cooperation between the  
19 Pennsylvania State Police, State and county correctional  
20 institutions, the Pennsylvania Board of Probation and Parole,  
21 the county office of probation and parole, any court with  
22 jurisdiction over a sexual offender, the chief juvenile  
23 probation officer of the court, juvenile probation and parole  
24 and the Department of [Public Welfare] Human Services to ensure  
25 that the information set forth in subsections (b) and (c) is  
26 provided and placed in the registry.

27 § 9799.20. Duty to inform.

28 In order to implement the provisions of section 9799.19  
29 (relating to initial registration), as appropriate, the  
30 Pennsylvania State Police, the court having jurisdiction over

1 the sexual offender, the chief juvenile probation officer of the  
2 court and the appropriate official of the Pennsylvania Board of  
3 Probation and Parole, county office of probation and parole, the  
4 Department of [Public Welfare] Human Services or a State or  
5 county correctional institution shall:

6 (1) Inform the individual required to register of the  
7 individual's duties under this subchapter.

8 (2) Require the individual to read and sign a form  
9 stating that the duty to register has been explained and that  
10 the individual understands the registration requirement.

11 (3) Collect the information required under section  
12 9799.16 (b) and (c) (relating to registry) and forward the  
13 information to the Pennsylvania State Police for inclusion in  
14 the registry as set forth in this subchapter.

15 § 9799.22. Enforcement.

16 \* \* \*

17 (d) Duty to inform Pennsylvania State Police.--In order to  
18 implement this subchapter, the court with jurisdiction over the  
19 sexual offender, the chief juvenile probation officer of the  
20 court and the appropriate official of the Pennsylvania Board of  
21 Probation and Parole, the county office of probation and parole,  
22 the Department of [Public Welfare] Human Services or a State or  
23 county correctional institution shall inform the Pennsylvania  
24 State Police if the individual refuses to provide the  
25 information required by this subchapter so that the Pennsylvania  
26 State Police may comply with this section.

27 § 9799.31. Immunity for good faith conduct.

28 The following entities shall be immune from liability for  
29 good faith conduct under this subchapter:

30 \* \* \*

1           (13) The Department of [Public Welfare] Human Services  
2 and its agents and employees.

3           \* \* \*

4           Section 25. This act shall take effect immediately.