

DOMESTIC RELATIONS CODE (23 PA.C.S.) AND JUDICIAL CODE (42 PA.C.S.) - GROUNDS FOR INVOLUNTARY TERMINATION AND RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS

Act of Oct. 28, 2016, P.L. 966, No. 115

Cl. 23

Session of 2016

No. 2016-115

SB 1311

AN ACT

Amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in adoption, further providing for grounds for involuntary termination; in child protective services, further providing for definitions and for release of information in confidential reports; and, in juvenile matters, further providing for definitions.

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

Section 1. Section 2511(a) of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding paragraphs to read: § 2511. Grounds for involuntary termination.

(a) General rule.--The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

* * *

(10) The parent has been found by a court of competent jurisdiction to have committed sexual abuse against the child or another child of the parent based on a judicial adjudication as set forth in paragraph (1)(i), (ii), (iii) or (iv) or (4) of the definition of "founded report" in section 6303(a) (relating to definitions) where the judicial adjudication is based on a finding of "sexual abuse or exploitation" as defined in section 6303(a).

(11) The parent is required to register as a sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or to register with a sexual offender registry in another jurisdiction or foreign country.

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Section 2. Paragraph (1) of the definition of "perpetrator" in section 6303(a) of Title 23 is amended by adding a subparagraph and (b.1) is amended by adding a paragraph to read: § 6303. Definitions.

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

* * *

"Perpetrator." A person who has committed child abuse as defined in this section. The following shall apply:

(1) The term includes only the following:

* * *

(vii) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

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(b.1) Child abuse.--The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

* * *

(10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

* * *

Section 3. Section 6340(a)(9) of Title 23 is amended by adding a subparagraph to read:

§ 6340. Release of information in confidential reports.

(a) General rule.--Reports specified in section 6339 (relating to confidentiality of reports) shall only be made available to:

* * *

(9) Law enforcement officials of any jurisdiction, as long as the information is relevant in the course of investigating cases of:

* * *

(v) Severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

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Section 4. The definition of "aggravated circumstances" in section 6302 of Title 42 is amended by adding a paragraph to read:

§ 6302. Definitions.

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

* * *

"Aggravated circumstances." Any of the following circumstances:

* * *

(6) The parent of the child is required to register as a sexual offender under Subchapter H of Chapter 97 (relating to registration of sexual offenders) or to register with a sexual offender registry in another jurisdiction or foreign country.

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Section 5. This act shall take effect immediately.

APPROVED--The 28th day of October, A.D. 2016.

TOM WOLF

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