

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 63**Session of  
2005

INTRODUCED BY KASUNIC, O'PAKE, C. WILLIAMS, REGOLA, TARTAGLIONE,  
COSTA, LAVALLE, KITCHEN, M. WHITE, STOUT, LOGAN, CORMAN,  
LEMMOND, MUSTO, PILEGGI, RHOADES, EARLL, WOZNIAK, BOSCOLA,  
MELLOW AND FERLO, FEBRUARY 7, 2005

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JULY 1, 2006

## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, providing an exception to the oral  
3 examination for members of the active military, reserves or  
4 Pennsylvania National Guard who are currently deployed in an  
5 active military operation or national emergency; and further  
6 providing for, in child protective services, investigation of  
7 reports and for county agency requirements for general  
8 protective services.

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

11 Section 1. Sections 1306 and 6368(a) of Title 23 of the  
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 1306. Oral examination.

14 (a) General rule.--Each of the applicants for a marriage  
15 license shall appear in person and shall be examined under oath  
16 or affirmation as to:

17 (1) The legality of the contemplated marriage.

18 (2) Any prior marriage or marriages and its or their  
19 dissolution.

20 (3) The restrictions set forth in section 1304 (relating

1 to restrictions on issuance of license).

2 (4) All the information required to be furnished on the  
3 application for license as prepared and approved by the  
4 department.

5 (b) Exception.--If an applicant is unable to appear in  
6 person because of his active military service, the applicant  
7 shall be permitted to forward an affidavit, which verifies all  
8 of the information required under subsection (a), to the issuing  
9 authority.

10 (c) Form.--The department shall develop and make available  
11 affidavit forms to be used by applicants under subsection (b).

12 (d) Definition.--As used in this section, the term "active  
13 military service" means active service in any of the armed  
14 services or forces of the United States or of this Commonwealth.

15 § 6368. Investigation of reports.

16 (a) General rule.--Upon receipt of each report of suspected  
17 child abuse, the county agency shall immediately commence an  
18 appropriate investigation and see the child immediately if  
19 emergency protective custody is required or has been or shall be  
20 taken or if it cannot be determined from the report whether  
21 emergency protective custody is needed. Otherwise, the county  
22 agency shall commence an appropriate investigation and see the  
23 child within 24 hours of receipt of the report. The  
24 investigation shall include a determination of the risk of harm  
25 to the child or children if they continue to remain in the  
26 existing home environment, as well as a determination of the  
27 nature, extent and cause of any condition enumerated in the  
28 report [and], any action necessary to provide for the safety of  
29 the child or children and the taking of photographic  
30 identification of the child or children to be maintained with

1 the file. During the investigation, the county agency shall  
2 provide or arrange for services necessary to protect the child  
3 while the agency is making a determination pursuant to this  
4 section. If the investigation indicates serious physical injury,  
5 a medical examination shall be performed on the subject child by  
6 a certified medical practitioner. Where there is reasonable  
7 cause to suspect there is a history of prior or current abuse,  
8 the medical practitioner has the authority to arrange for  
9 further medical tests or the county agency has the authority to  
10 request further medical tests. The investigation shall include  
11 communication with the department's service under section 6332  
12 (relating to establishment of Statewide toll-free telephone  
13 number). Prior to interviewing a subject of the report, the  
14 county agency shall orally notify the subject who is about to be  
15 interviewed of the existence of the report, the subject's rights  
16 under 42 Pa.C.S. §§ 6337 (relating to right to counsel) and 6338  
17 (relating to other basic rights) and the subject's rights  
18 pursuant to this chapter in regard to amendment or expungement.  
19 Within 72 hours following oral notification to the subject, the  
20 county agency shall give written notice to the subject. The  
21 notice may be reasonably delayed if notification is likely to  
22 threaten the safety of the victim, a nonperpetrator subject or  
23 the investigating county agency worker, to cause the perpetrator  
24 to abscond or to significantly interfere with the conduct of a  
25 criminal investigation. However, the written notice must be  
26 provided to all subjects prior to the county agency's reaching a  
27 finding on the validity of the report.

28 \* \* \*

29 Section 2. Section 6375(g) of Title 23 is amended and the  
30 section is amended by adding a subsection to read:

1 § 6375. County agency requirements for general protective  
2 services.

3 \* \* \*

4 (g) Monitoring, evaluating and assessing.--The county agency  
5 shall frequently monitor the provision of services, evaluate the  
6 effectiveness of the services, conduct in-home visits and make a  
7 periodic assessment of the risk of harm to the child, which  
8 shall include maintaining an annually updated photograph of the  
9 child and verification of the identification of the child.

10 \* \* \*

11 (n) Transfer of files between county agencies.--Whenever a  
12 county agency transfers to another county agency a file relating  
13 to a child who receives or is in need of protective services  
14 under this chapter, the file shall include any photographic  
15 identification and an annual photograph taken of the child.

16 ~~Section 3. This act shall be known and may be cited as~~ <—  
17 ~~Kristen's Law.~~

18 Section 4 3. The Department of Public Welfare may promulgate <—  
19 rules and regulations to administer and enforce THE AMENDMENT OF <—  
20 23 PA.C.S. §§ 6368 AND 6375 EFFECTED BY this act.

21 Section 5 4. This act shall take effect in 60 days. <—