
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1018 Session of
2023

INTRODUCED BY KEARNEY, FONTANA, TARTAGLIONE, KANE, HAYWOOD,
COMITTA, COSTA, DILLON, BREWSTER AND CULVER,
DECEMBER 12, 2023

REFERRED TO AGING AND YOUTH, DECEMBER 12, 2023

AN ACT

1 Amending Title 2 (Administrative Law and Procedure) of the
2 Pennsylvania Consolidated Statutes, in practice and
3 procedure, providing for child victims and witnesses.

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

6 Section 1. Chapter 5 of Title 2 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER E

9 CHILD VICTIMS AND WITNESSES

10 Sec.

11 591. Definitions.

12 592. Rights and services.

13 593. Alternative method of testimony.

14 § 591. Definitions.

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

18 "Child abuse." As defined in 23 Pa.C.S. § 6303(b.1)

1 (relating to definitions).

2 "Department." The Department of Human Services of the
3 Commonwealth.

4 "Sexual abuse or exploitation." As defined in 23 Pa.C.S. §
5 6303.

6 § 592. Rights and services.

7 (a) Designation of persons to act on behalf of children.--

8 When necessary to protect and promote the best interests of
9 child witnesses, the department may designate one or more
10 persons as a child advocate to accompany and provide the
11 following services on behalf of children who are involved in
12 proceedings before the department as material witnesses:

13 (1) To explain, in language understood by the child, all
14 legal proceedings in which the child will be involved.

15 (2) To advise the department, when appropriate, of the
16 child's ability to understand and cooperate with any
17 proceedings.

18 (3) To assist or secure assistance for the child and the
19 child's family in coping with the emotional impact of the
20 proceedings in which the child is involved.

21 (b) Qualifications.--Persons designated under subsection (a)
22 may be attorneys at law or other persons who, by virtue of
23 service as rape crisis or domestic violence counselors or by
24 virtue of membership in a community service organization or of
25 other experience acceptable to the department, possess
26 education, experience or training in counseling for victims of
27 child abuse or sexual abuse or exploitation.

28 § 593. Alternative method of testimony.

29 (a) Applicability.--In a proceeding before the department,
30 an alternative method of testimony shall be utilized if both of

1 the following apply:

2 (1) A child is the subject or material witness to a
3 substantiated report of child abuse or sexual abuse or
4 exploitation by a party to a proceeding under this chapter.

5 (2) An alternative method of testimony is necessary to
6 protect and promote the best interests of the child.

7 (b) Due process rights.--Nothing in this section is intended
8 to deprive a party to the proceeding of the party's due process
9 rights.

10 (c) Petition.--A petition on a form developed by the
11 department to utilize the provisions of this section may be made
12 on behalf of the child. The department shall approve or deny the
13 petition. The petition may be made by:

14 (1) A parent.

15 (2) A guardian.

16 (3) A court-appointed special advocate.

17 (4) An attorney representing the department or a county
18 agency in the proceeding in which the child will testify.

19 (5) A court-appointed attorney representing the child in
20 any other matter.

21 (6) Any other individual in loco parentis to the child.

22 (d) Definition.--For purposes of this section, the term
23 "alternative method of testimony" shall mean a procedural
24 accommodation that will aid a child in providing testimony in a
25 proceeding before the department. The accommodation may include,
26 but not be limited to:

27 (1) Allowing the child access to a person, animal or
28 object to provide emotional support or mitigate emotional
29 trauma to the child during the proceeding.

30 (2) A contemporaneous alternative method of testimony as

1 defined in 42 Pa.C.S. § 5982 (relating to definitions).

2 (3) Other nontraditional methods of taking testimony as
3 necessary to provide emotional support or mitigate emotional
4 trauma to the child.

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