

No. 1998-126

AN ACT

HB 1897

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges in the courts of common pleas, for jurisdiction and venue of the Philadelphia Municipal Court and for juvenile proceedings; providing for good Samaritan civil immunity for use of an automated external defibrillator; and making appropriations.

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

Section 1. Section 911 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 911. Courts of common pleas.

(a) General rule.—There shall be one court of common pleas for each judicial district of this Commonwealth consisting of the following number of judges:

Judicial District	Number of Judges
First	90
Second	11
Third	7
Fourth	1
Fifth	41
Sixth	8
Seventh	11
Eighth	2
Ninth	5
Tenth	11
Eleventh	9
Twelfth	8
Thirteenth	2
Fourteenth	5
Fifteenth	11
Sixteenth	3
Seventeenth	2
Eighteenth	1
Nineteenth	11
Twentieth	1
Twenty-first	5
Twenty-second	1
Twenty-third	11

Twenty-fourth	4
Twenty-fifth	2
Twenty-sixth	2
Twenty-seventh	5
Twenty-eighth	2
Twenty-ninth	5
Thirtieth	2
Thirty-first	9
Thirty-second	18
Thirty-third	2
Thirty-fourth	1
Thirty-fifth	3
Thirty-sixth	6
Thirty-seventh	1
Thirty-eighth	18
Thirty-ninth	4
Fortieth	2
Forty-first	2
Forty-second	2
Forty-third	5
Forty-fourth	1
Forty-fifth	6
Forty-sixth	2
Forty-seventh	5
Forty-eighth	1
Forty-ninth	3
Fiftieth	5
Fifty-first	3
Fifty-second	[3] 4
Fifty-third	3
Fifty-fourth	1
Fifty-fifth	1
Fifty-sixth	2
Fifty-seventh	2
Fifty-eighth	1
Fifty-ninth	1
Sixtieth	1

(b) Single county districts.—In single county judicial districts the court of common pleas of the district shall be known as the “Court of Common Pleas of (the respective) County.”

(c) Multicounty districts.—In multicounty judicial districts the court of common pleas of the district shall be known as the “Court of Common Pleas of the (respective) Judicial District.” There shall be a separate branch of the court in each county comprising the judicial district.

Section 2. Section 1123(a) of Title 42 is amended by adding a paragraph to read:

§ 1123. Jurisdiction and venue.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), the Philadelphia Municipal Court shall have jurisdiction of the following matters:

* * *

(5.1) In addition to the exercise of the powers by the judges set forth in this section, the President Judge of the Philadelphia Municipal Court may appoint bail commissioners, persons who complete a training program as shall be provided by local rules adopted by the President Judge of the Philadelphia Municipal Court, or attorneys who are in good standing and are admitted to the Pennsylvania Bar as judges pro tempore to accept guilty pleas and impose sentences in accordance with pleas for summary offenses. A judge pro tempore must be an independent contractor hired by the Philadelphia Municipal Court and shall receive such compensation and shall serve at such hours as agreed to between the judge pro tempore and the President Judge of the Philadelphia Municipal Court. The methods of selection, appointment and removal of judges pro tempore and of establishing standards of conduct and the rights, responsibilities and authority of the judges pro tempore and the procedures for appealing decisions of the judges pro tempore shall be provided by local rules adopted by the President Judge of the Philadelphia Municipal Court.

* * *

Section 3. Section 6301(b) of Title 42 is amended to read:

§ 6301. Short title and purposes of chapter.

* * *

(b) Purposes.—This chapter shall be interpreted and construed as to effectuate the following purposes:

(1) To preserve the unity of the family whenever possible **[and to] or to provide another alternative permanent family when the unity of the family cannot be maintained.**

(1.1) To provide for the care, protection, safety and wholesome mental and physical development of children coming within the provisions of this chapter.

(2) Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.

(3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from parents only when necessary for his welfare, **safety or health** or in the interests of public safety.

(4) To provide means through which the provisions of this chapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

Section 4. The definition of "dependent child" in section 6302 of Title 42 is amended and the section is amended by adding definitions 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:

(1) The child is in the custody of a county agency and either:

(i) the identity or whereabouts of the parents is unknown and cannot be ascertained and the parent does not claim the child within three months of the date the child was taken into custody; or

(ii) the identity or whereabouts of the parents is known and the parents have failed to maintain substantial and continuing contact with the child for a period of six months.

(2) The child or another child of the parent has been the victim of physical abuse resulting in serious bodily injury, sexual violence or aggravated physical neglect by the parent.

(3) The parent of the child has been convicted of any of the following offenses where the victim was a child:

(i) criminal homicide under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);

(ii) a felony under 18 Pa.C.S. § 2702 (relating to aggravated assault), 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) or 3125 (relating to aggravated indecent assault).

(iii) A misdemeanor under 18 Pa.C.S. § 3126 (relating to indecent assault).

(iv) An equivalent crime in another jurisdiction.

(4) The attempt, solicitation or conspiracy to commit any of the offenses set forth in paragraph (3).

(5) The parental rights of the parent have been involuntarily terminated with respect to a child of the parent.

"Aggravated physical neglect." Any omission in the care of a child which results in a life-threatening condition or seriously impairs the child's functioning.

* * *

"County agency." The term as defined in 23 Pa.C.S. § 6303 (relating to definitions).

* * *

"Dependent child." A child who:

(1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals[;]. *A determination that there is a lack of proper parental care or control may be based upon evidence of conduct by the parent, guardian or other custodian that places the health, safety or welfare of the child at risk, including evidence of the parent's, guardian's or other custodian's use of alcohol or a controlled substance that places the health, safety or welfare of the child at risk;*

(2) has been placed for care or adoption in violation of law;

(3) has been abandoned by his parents, guardian, or other custodian;

(4) is without a parent, guardian, or legal custodian;

(5) while subject to compulsory school attendance is habitually and without justification truant from school;

(6) has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision;

(7) is under the age of ten years and has committed a delinquent act;

(8) has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (6); [or]

(9) has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (6)[.]; or

(10) is born to a parent whose parental rights with regard to another child have been involuntarily terminated under 23 Pa.C.S. § 2511 (relating to grounds for involuntary termination) within three years immediately preceding the date of birth of the child and conduct of the parent poses a risk to the health, safety or welfare of the child.

* * *

“Serious bodily injury.” Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

“Sexual violence.” Rape, indecent contact as defined in 18 Pa.C.S. § 3101 (relating to definitions), incest or using, causing, permitting, persuading or coercing the child to engage in a prohibited sexual act as defined in 18 Pa.C.S. § 6312(a) (relating to sexual abuse of children) or a simulation of a prohibited sexual act for the purpose of photographing, videotaping, depicting on computer or filming involving the child.

* * *

Section 5. Sections 6326(c)(1), 6334 and 6335(a) of Title 42 are amended to read:

§ 6326. Release or delivery to court.

* * *

(c) Detention in police lockup under certain circumstances.—A child alleged to have committed a crime or summary offense or to be in violation of conditions of probation or other supervision following an adjudication of delinquency may be held securely in a municipal police lockup or other facility which houses an adult lockup only under the following conditions:

(1) the secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to a parent, guardian, *other custodian*, or juvenile court or county children and youth official, or to a shelter care or juvenile detention center;

* * *

§ 6334. Petition.

(a) *Contents of petition.*—A petition, which shall be verified and may be on information and belief, may be brought by any person including a law enforcement officer. It shall set forth plainly:

(1) The facts which bring the child within the jurisdiction of the court and this chapter, with a statement that it is in the best interest of the child and the public that the proceeding be brought and, if delinquency is alleged, that the child is in need of treatment, supervision or rehabilitation.

(2) The name, age, and residence address, if any, of the child on whose behalf the petition is brought.

(3) The names and residence addresses, if known to the petitioner, of the parents, guardian, or custodian of the child and of the spouse, if any, of the child. If none of his parents, guardian, or custodian resides or can be found within this Commonwealth, or if their respective places of residence address are unknown, the name of any known adult relative residing within the county, or if there be none, the known adult relative residing nearest to the location of the court.

(4) If the child is in custody and, if so, the place of his detention and the time he was taken into custody.

(b) *Aggravated circumstances.*—

(1) *An allegation that aggravated circumstances exist may be brought:*

(i) *in a petition for dependency with regard to a child who is alleged to be a dependent child; or*

(ii) *in a petition for a permanency hearing with regard to a child who has been determined to be a dependent child.*

(2) *The existence of aggravated circumstances may be alleged by the county agency or the child's attorney. If the county agency reasonably believes that aggravated circumstances exist, it shall file the appropriate petition as soon as possible but no later than 21 days from the determination by the county agency that aggravated circumstances exist.*

(3) *A petition for dependency or a permanency hearing that alleges aggravated circumstances shall include a statement of the facts the county agency or the child's attorney intends to prove to support the allegation. A criminal conviction shall not be required to allege the*

existence of aggravated physical neglect or physical abuse resulting in serious bodily injury or sexual violence committed by the parent.

§ 6335. Release or holding of hearing.

(a) General rule.—After the petition has been filed *alleging the child to be dependent or delinquent*, the court shall fix a time for hearing thereon, which, if the child is in detention or shelter care shall not be later than ten days after the filing of the petition. Except as provided in subsection (f), if the hearing is not held within such time, the child shall be immediately released from detention or shelter care. A child may be detained or kept in shelter care for an additional single period not to exceed ten days where:

- (1) the court determines at a hearing that:
 - (i) evidence material to the case is unavailable;
 - (ii) due diligence to obtain such evidence has been exercised; and
 - (iii) there are reasonable grounds to believe that such evidence will be available at a later date; and
- (2) the court finds by clear and convincing evidence that:
 - (i) the life of the child would be in danger;
 - (ii) the community would be exposed to a specific danger; or
 - (iii) the child will abscond or be removed from the jurisdiction of the court.

The court shall direct the issuance of a summons to the parents, guardian, or other custodian, a guardian ad litem, and any other persons as appear to the court to be proper or necessary parties to the proceeding, requiring them to appear before the court at the time fixed to answer the allegations of the petition. The summons shall also be directed to the child if he is 14 or more years of age or is alleged to be a delinquent. A copy of the petition shall accompany the summons.

* * *

Section 6. Title 42 is amended by adding a section to read:

§ 6336.1. *Notice and hearing.*

The court shall direct the county agency or juvenile probation department to provide the child's foster parent, preadoptive parent or relative providing care for the child with timely notice of the hearing. The court shall provide the child's foster parent, preadoptive parent or relative providing care for the child the opportunity to be heard at any hearing under this chapter. Nothing in this section shall give the foster parent, preadoptive parent or relative providing care for the child legal standing in the matter being heard by the court.

Section 7. Section 6341 of Title 42 is amended by adding a subsection to read:

§ 6341. Adjudication.

* * *

(c.1) *Aggravated circumstances.*—*If the county agency or the child's attorney alleges the existence of aggravated circumstances and the court determines that the child is dependent, the court shall also determine if*

aggravated circumstances exist. If the court finds from clear and convincing evidence that aggravated circumstances exist, the court shall determine whether or not reasonable efforts to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family shall be made or continue to be made and schedule a hearing as required in section 6351(e)(3) (relating to disposition of dependent child).

* * *

Section 8. Section 6351(a), (b), (e), (f), (g), (h) and (i) of Title 42 are amended and the section is amended by adding a subsection to read:

§ 6351. Disposition of dependent child.

(a) General rule.—If the child is found to be a dependent child the court may make any of the following orders of disposition best suited to the protection and physical, mental, and moral welfare of the child:

(1) Permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.

(2) Subject to conditions and limitations as the court prescribes transfer temporary legal custody to any of the following:

(i) Any individual resident within or without this Commonwealth, ***including any relative***, who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child.

(ii) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.

(iii) A public agency authorized by law to receive and provide care for the child.

(2.1) Subject to conditions and limitations as the court prescribes, transfer permanent legal custody to an individual resident in or outside this Commonwealth, including any relative, who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child. A court order under this paragraph may set forth the temporary visitation rights of the parents. The court shall refer issues related to support and continuing visitation by the parent to the section of the court of common pleas that regularly determines support and visitation.

(3) Without making any of the foregoing orders transfer custody of the child to the juvenile court of another state if authorized by and in accordance with section 6363 (relating to ordering foreign supervision).

(b) Required preplacement findings.—Prior to entering any order of disposition under subsection (a) that would remove a dependent child from his home, the court shall enter findings on the record or in the order of court as follows:

(1) that continuation of the child in his home would be contrary to the welfare, ***safety or health*** of the child; and

(2) whether reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from his home, if the child has remained in his home pending such disposition; or

(3) if preventive services were not offered due to the necessity for an emergency placement, whether such lack of services was reasonable under the circumstances; or

(4) if the court has previously determined pursuant to section 6332 (relating to informal hearing) that reasonable efforts were not made to prevent the initial removal of the child from his home, whether reasonable efforts are under way to make it possible for the child to return home.

The court shall not enter findings under paragraph (2), (3) or (4) if the court previously determined that aggravated circumstances exist and no new or additional reasonable efforts to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family are required.

* * *

(e) [Disposition review hearings.—Within six months of the removal of a child from the home of his parents, guardian or custodian for placement pursuant to a transfer of temporary legal custody or other disposition under subsection (a)(2), the court shall conduct a disposition review hearing] ***Permanency hearings.—***

(1) The court shall conduct a permanency hearing for the purpose of determining or reviewing the permanency plan of the child, the date by which the goal of permanency for the child might be achieved and whether placement continues to be best suited to the safety, protection and physical, mental and moral welfare of the child. [The court shall conduct a second review hearing not later than six months after the initial hearing, a third hearing not later than six months after the second hearing and subsequent disposition review hearings at least every 12 months until the child is returned home or removed from the jurisdiction of the court.]

(2) If the county agency or the child's attorney alleges the existence of aggravated circumstances and the court determines that the child has been adjudicated dependent, the court shall then determine if aggravated circumstances exist. If the court finds from clear and convincing evidence that aggravated circumstances exist, the court shall determine whether or not reasonable efforts to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family shall be made or continue to be made and schedule a hearing as provided in paragraph (3).

(3) The court shall conduct permanency hearings as follows:

(i) Within six months of:

(A) the removal of a child from the home of the parent, guardian or custodian for placement pursuant to a transfer of

temporary legal custody or other disposition under subsection (a)(2); or

(B) each previous permanency hearing until the child is returned home or removed from the jurisdiction of the court.

(ii) Within 30 days of:

(A) an adjudication of dependency at which the court determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the home or to preserve and reunify the family need not be made or continue to be made;

(B) a permanency hearing at which the court determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the home or to preserve and reunify the family need not be made or continue to be made and the permanency plan for the child is incomplete or inconsistent with the court's determination;

(C) an allegation that aggravated circumstances exist regarding a child who has been adjudicated dependent, filed under section 6334(b) (relating to petition); or

(D) a petition alleging that the hearing is necessary to protect the physical, mental or moral welfare of a dependent child.

(f) Matters to be determined *at permanency hearing*.—At each [disposition review] hearing, the court shall:

(1) determine the continuing necessity for and appropriateness of the placement;

(2) determine the *appropriateness, feasibility and* extent of compliance with the [service] *permanency* plan developed for the child;

(3) determine the extent of progress made toward alleviating the circumstances which necessitated the original placement;

(4) determine the appropriateness and feasibility of the current placement goal for the child; [and]

(5) project a likely date by which the goal for the child might be achieved[.];

(6) determine whether the child is safe;

(7) determine, if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the protection and physical, mental and moral welfare of the child;

(8) determine the services needed to assist a child who is 16 years of age or older to make the transition to independent living; and

(9) if the child has been in placement for at least 15 of the last 22 months or the court has determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the home or to preserve and reunify the family need not be made or continue to be made, determine whether the county agency has filed or sought to join a petition to terminate parental rights and to

identify, recruit, process and approve a qualified family to adopt the child unless:

- (i) the child is being cared for by a relative best suited to the welfare of the child;*
- (ii) the county agency has documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the needs and welfare of the child; or*
- (iii) the child's family has not been provided with necessary services to achieve the safe return to the child's home within the time frames set forth in the permanency plan.*

For children placed in foster care on or before November 19, 1997, the county agency shall file or join a petition for termination of parental rights under this subsection in accordance with section 103(c)(2) of the Adoption and Safe Families Act of 1997 (Public Law 105-89, 111 Stat. 2119).

(f.1) Evidence.—Evidence of conduct by the parent that places the health, safety or welfare of the child at risk, including evidence of the use of alcohol or a controlled substance that places the health, safety or welfare of the child at risk, shall be presented to the court by the county agency or any other party at any disposition or permanency hearing whether or not the conduct was the basis for the determination of dependency.

(g) Court order.—On the basis of the determinations made under subsection (f) and [other] all relevant evidence, the court, in addition, shall:

- (1) determine [whether] if and when the child:*
 - (i) should be returned to the parents, guardian or other custodian;*
 - [(ii) should be continued in placement for a specified period; or*
 - (iii) because of the child's special needs or circumstances, should remain in placement on a permanent or long-term basis; and]*
- (ii) will be placed for adoption and the county agency will file for termination of parental rights; or*
- (iii) will be placed with a legal custodian or in another living arrangement intended to be permanent in nature approved by the court if the county agency has documented a compelling reason that it would not serve the child's physical, mental or emotional health, safety or morals to return home, to be referred for termination of parental rights or to be placed for adoption; and*

(2) order continuation, modification or termination of placement or other disposition best suited to the protection and physical, mental and moral welfare of the child.

(h) Certain hearings discretionary.—At the discretion of the court, [disposition review] permanency hearings need not be conducted:

- (1) for a child who [the court has determined should remain permanently in foster care with a specified foster family; or] has been placed in a living arrangement that is intended to be permanent in nature and that is approved by the court;*

(2) for a child who has been placed in an adoptive home pending finalization of adoption pursuant to 23 Pa.C.S. Part III (relating to adoption); *or*

(3) *for a child who has been placed with a permanent legal custodian appointed by the court pursuant to subsection (a) and section 6357 (relating to rights and duties of legal custodian).*

(i) Assignment to orphans' court.—A judge who adjudicated the child dependent or who has conducted [disposition review] *permanency* hearings or other dependency proceedings involving the child may be assigned to the orphans' court division for the purpose of hearing proceedings relating to any of the following:

(1) Involuntary termination of parental rights of a parent of the dependent child under 23 Pa.C.S. Ch. 25 Subch. B (relating to involuntary termination).

(2) A petition to adopt the dependent child.

Section 9. Title 42 is amended by adding a section to read:

§ 6352.1. Treatment records.

Notwithstanding any other provision of law, drug and alcohol treatment records or related information regarding a child who is alleged or who has been found to be dependent or delinquent, or the child's parent, shall be released to the county agency, court or juvenile probation officer upon the consent of the child or the child's parent or upon an order of the court. The disclosure of drug and alcohol treatment records under this section shall be obtained or ordered in a manner that is consistent with the procedures, limitations and criteria set forth in regulations adopted by the Department of Health and Human Services relating to the confidentiality of drug and alcohol treatment records. The county agency, court or juvenile probation officer shall only use the records to carry out the purposes of this chapter and shall not release the records to any other person. The court may order the participation of the county agency or juvenile probation officer in the development of a treatment plan for the child as necessary to protect the health, safety or welfare of the child, to include discussions with the individual, facility or program providing treatment and the child or the child's parent in furtherance of a disposition under section 6351 (relating to disposition of dependent child) or 6352 (relating to disposition of delinquent child).

Section 10. Section 6357 of Title 42 is amended to read:

§ 6357. Rights and duties of legal custodian.

A custodian to whom legal custody has been given by the court under this chapter has the right to the physical custody of the child, the right to determine the nature of the care and treatment of the child, including ordinary medical care and the right and duty to provide for the care, protection, training, and education, and the physical, mental, and moral welfare of the child[.]. *An award of legal custody shall be subject to the conditions and limitations of the order and to the remaining rights and duties of the parents*

or guardian of the child[.] as determined by the court. The court may award legal custody under this section on a temporary basis to an individual or agency under section 6351(a)(2) (relating to disposition of dependent child) or permanent basis to an individual under section 6351(a)(2.1).

Section 11. Title 42 is amended by adding a section to read:

§ 8331.2. *Good Samaritan civil immunity for use of automated external defibrillator.*

(a) *General rule.*—Except as otherwise provided in this section, any individual who is trained to use an automated external defibrillator in accordance with subsection (c) and who in good faith uses an AED in an emergency shall not be liable for any civil damages as a result of any acts or omissions by such individual in using the AED except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the individual receiving the AED treatment.

(b) *Requirements.*—Any person who acquires and maintains an AED for use in accordance with this section shall not be liable for civil damages provided that the person:

(1) Ensures that expected AED users receive training pursuant to subsection (c).

(2) Maintains and tests the AED according to the manufacturer's operational guidelines.

(3) Provides instruction requiring the user of the AED to utilize available means to immediately contact and activate the emergency medical services system.

(4) Assures that any appropriate data or information is made available to emergency medical services personnel or other health care providers as requested.

(c) *Training.*—For purposes of this section, expected AED users shall complete training in the use of an AED provided by the American National Red Cross or the American Heart Association or through an equivalent course of instruction approved by the Department of Health in consultation with a technical committee of the Pennsylvania Emergency Health Services Council.

(d) *Obstruction of emergency medical services personnel.*—Nothing in this section shall relieve a person who uses an AED from civil damages when that person obstructs or interferes with care and treatment being provided by emergency medical services personnel or a health professional.

(e) *Exception.*—Any individual who lacks the training set forth in subsection (c) but who has access to an AED and in good faith uses an AED in an emergency as an ordinary, reasonably prudent individual would do under the same or similar circumstances shall receive immunity from civil damages as set forth in subsection (a).

(f) *Definitions.*—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Automated external defibrillator” or “AED.” A portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

“Emergency.” A situation where an individual is believed to be in cardiac arrest and in need of immediate medical attention to prevent death or serious injury.

“Good faith.” Includes a reasonable opinion that the immediacy of the situation is such that the use of an AED should not be postponed until emergency medical services personnel arrive or the person is hospitalized.

Section 12. The new judgeship for the fifty-second district added by the amendment of 42 Pa.C.S. § 911(a) shall be created on January 3, 2000, and shall be initially filled by election at the 1999 municipal election.

Section 13. (a) The sum of \$6,060,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Public Welfare for the fiscal year July 1, 1998, to June 30, 1999, to carry out the provisions of this act.

(b) The sum of \$1,657,000, or as much thereof as may be necessary, is hereby appropriated from Federal Title IV-E funds to the Department of Public Welfare for the fiscal year July 1, 1998, to June 30, 1999. These Federal funds are in addition to, and shall be added to, those Federal funds appropriated to the Department of Public Welfare for child welfare under section 219 of the act of April 22, 1998 (P.L.1341, No.6A), known as the General Appropriation Act of 1998, and designated as “Child Welfare - Title IV-E - Child Welfare.”

Section 14. This act shall take effect as follows:

- (1) The amendment or addition of 42 Pa.C.S. §§ 1123(a) and 8331.2 shall take effect in 60 days.
- (2) The amendment of 42 Pa.C.S. § 911(a) shall take effect immediately.
- (3) Section 12 and this section shall take effect immediately.
- (4) The remainder of this act shall take effect January 1, 1999.

APPROVED—The 15th day of December, A.D. 1998.

THOMAS J. RIDGE