

No. 61

AN ACT

SB 104

Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," further providing for interstate placement of children, prescribing powers and duties of the Department of Public Welfare, and providing penalties.

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

Section 1. The heading of subarticle (d) of Article VII, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," is amended to read:

ARTICLE VII
CHILDREN AND YOUTH

* * *

(d) Interstate Placement of [Nonresident] Children

* * *

Section 2. Sections 741, 742, 743, 744 and 745 of the act are repealed.

Section 3. The act is amended by adding sections to read:

Section 746. Definitions.—As used in this act:

"Child" means any individual who has not yet passed his eighteenth birthday and includes one conceived but not yet born.

"Department" means the Department of Public Welfare of this Commonwealth.

"Person" means an individual, agency, association, corporation or institution.

"Placement" means either effecting admission of a child to an institution, except an educational institution, or effecting his reception in a family home, whether or not a charge is made for his care by the institution or family home.

Section 747. Consent Required for Bringing Child into State.—(a) Without first obtaining the consent of the department, no person shall bring or send any child or cause him to be brought or sent into this Commonwealth with the purpose of placement or of procuring the child's adoption.

(b) Subsection (a) of this section shall not apply if the child is received into this Commonwealth by an institution or agency supervised by the department and notice of the child's placement is furnished the department within seven days.

Section 748. Department's Consent to Placement.—Before issuing its consent to a child's placement in this Commonwealth as required in section 747, the department shall:

(1) *Satisfy itself that the proposed placement and all arrangements therefor, are suitable for the nature of the child and are in conformity with applicable regulations of the department;*

(2) *Receive from the person accepting the child for placement or adoption written agreement to conform to all applicable regulations of the department and, at least semi-annually, and at such other times as the department may require, to report as to the location and well-being of the child until he reaches his eighteenth birthday or is adopted.*

Section 749. Bond Required; Forfeiture and Assignment.—*At its discretion, the department may require of the person bringing or sending a child into this Commonwealth for placement or adoption or of the person who receives such child, an indemnity bond in favor of the Commonwealth of Pennsylvania in the penal sum of one thousand dollars (\$1,000) conditioned as follows: That the child is not of unsound mind or body and that, if prior to his eighteenth birthday or his adoption, he becomes a public charge or is adjudged a delinquent, he will be removed from the State on demand of the department.*

Any person, subject to this act, having had thirty days' notice and demand by the department to remove from the State any child admitted under the provisions of this act shall, upon failure to remove the child, forfeit the sum of one thousand dollars (\$1,000) as a penalty therefor to be recovered upon such bond by a suit in the name of the Commonwealth of Pennsylvania. This sum, or any part thereof, collected by the Commonwealth may be assigned by the department to a supervised child caring agency designated by the department to replace the child.

Section 750. Notice of Movement of Child from this Commonwealth.—*No person shall take any child, send or cause him to be taken or sent to another state for the purpose of placement or of procuring his adoption without providing information to the department about the child and his placement. The department shall immediately send such information to the appropriate department of government of the receiving state.*

Section 751. Regulations.—*The department may make such regulations for the administration of this act as it deems necessary.*

Section 752. Application.—*The provisions of this act shall not apply to a parent, stepparent, grandparent, aunt or uncle, nor to an adult brother, sister, half brother or half sister, when any such relative receives or brings a child into this Commonwealth for the purpose of giving him a home in the relative's own family.*

If Pennsylvania becomes a party to the Interstate Compact on Children, this act shall not apply to public or voluntary agencies in other party states.

Section 753. Penalty.—*Any person who knowingly violates any provision of this act is guilty of a misdemeanor and, upon conviction*

thereof, shall be sentenced to pay a fine of not more than one hundred dollars (\$100) or to undergo imprisonment for not more than thirty days or both.

Section 4. This act shall take effect immediately.

APPROVED—The 27th day of July, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 61.

A handwritten signature in black ink, reading "C. McLean Tucker". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Secretary of the Commonwealth.