

No. 1998-127

AN ACT

HB 1992

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for cooperation of government and nongovernment agencies, for contempt, for visitation and partial custody, for attachment of income, for continuing support order jurisdiction, for support licensure sanctions, for the State disbursement unit, for expediting support cases, for paternity acknowledgments and claims; providing for fingerprinting of children; and further providing for findings and purpose of child protective services chapter, for information in pending complaint and unfounded report files, for disposition of unfounded reports, for release of information in confidential reports, for amendment or expunction of information, for grounds for denying employment, for cooperation of other agencies, for services for prevention and treatment of child abuse and for information relating to prospective child-care personnel; and making repeals.

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

Section 1. Section 4302 of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read:

§ 4302. Definitions.

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:

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“Overdue support.” Support which is delinquent under a payment schedule established by the court.

“Past due support.” Support included in an order of support which has not been paid.

* * *

Section 2. Sections 4304.1(a)(2) and (3) and 4346(a) of Title 23 are amended to read:

§ 4304.1. Cooperation of government and nongovernment agencies.

(a) Cooperation of government agencies.—Notwithstanding any other provision of law, including the provisions of section 731 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, all government agencies shall:

* * *

(2) Require the Social Security number of an individual *who has one* on any application for a professional or occupational license or certification; a permit; a driver’s license, including a commercial driver’s license; a recreational license; or a marriage license. ***Collection of the Social Security number shall be performed in such manner as to protect***

its confidentiality. If the government agency uses another identifying number on the face of the application, the government agency shall advise the applicant and shall keep the Social Security number on file at the agency.

(3) Require the Social Security number of any individual subject to a divorce decree, support order, paternity determination or acknowledgment of paternity in all records relating to the matter. *Collection of the Social Security number shall be kept confidential.*

* * *

§ 4346. Contempt for noncompliance with visitation or partial custody order.

(a) General rule.—A party who willfully fails to comply with any visitation or partial custody order may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

(1) Imprisonment for a period not to exceed six months.

(2) A fine not to exceed \$500.

(3) Probation for a period not to exceed six months.

(4) An order for nonrenewal, suspension or [revocation] *denial* of operating privilege pursuant to section 4355 (relating to denial or suspension of licenses).

* * *

Section 3. Section 4348 of Title 23 is amended by adding a subsection to read:

§ 4348. Attachment of income.

* * *

(r) *Information requests.*—

(1) *Upon the request of the department, a county domestic relations section or a child support agency of another state, any employer doing business within this Commonwealth, including a for-profit, not-for-profit or governmental employer, shall promptly provide information regarding the employment, compensation and benefits of any employee or contractor of the employer.*

(2) *In addition to any other remedy allowed by law, the department may impose a civil penalty of up to \$1,000 per violation on an individual or entity that willfully fails to comply with a request for information under paragraph (1).*

Section 4. Section 4352(d) of Title 23 is amended and the section is amended by adding a subsection to read:

§ 4352. Continuing jurisdiction over support orders.

* * *

(d) Arrears as judgments.—On and after the date it is due, each and every support obligation shall constitute a judgment against the obligor by operation of law, with the full force, effect and attributes of a judgment of court, including the ability to be enforced, and shall be entitled as a judgment to full faith and credit in this or any other state. Overdue support obligations of this

or any other state which are on record at the *county* domestic relations section shall constitute a lien by operation of law against all real property owned by the obligor within the [judicial district] *county as provided in subsection (d.1)*. The department shall develop and implement a system for providing notice to the public of liens arising out of overdue support obligations. The system and its procedures shall ensure convenient access to lien information and shall address hours of access by the business community and the general public and access via modem or automated means. [Upon establishment of] *Thirty days after publication of notice in the Pennsylvania Bulletin that the system has been established*, any lien on record shall constitute a lien against any real property in this Commonwealth owned by the obligor and shall also have the effect of a fully perfected security interest in personal property owned by the obligor in which a security interest can arise. The department shall consult with the Department of Transportation in the development of this system to enforce compliance with this subsection as it applies to liens on motor vehicles. The Supreme Court shall by general rule establish procedures for the recording of liens *of other states* at the *county* domestic relations section and *for* the enforcement of liens *arising from overdue support* without prior judicial notice or hearing. A bona fide good faith purchaser of personal property for value which is subject to a lien under this subsection acquires all title which the transferor had or had the power to transfer pursuant to 13 Pa.C.S. Ch. 24 (relating to title, creditors and good faith purchasers), and the obligee shall have all rights against such property which would be preserved to a fully perfected secured creditor under 13 Pa.C.S. Div. 9 (relating to secured transactions; sales of accounts, contract rights and chattel paper). The obligation for payment of arrears or overdue support shall terminate by operation of law when all arrears or overdue support has been paid.

(d.1) Real property liens.—

(1) Overdue support shall be a lien on real estate within the county in which the overdue support is on record at the county domestic relations section if:

(i) the underlying support action is pending in the county domestic relations section or is being enforced by the county domestic relations section;

(ii) notice of the existence of the support action is available to the public through a docket book or automated means; and

(iii) the county domestic relations section is able to determine the amount of overdue support by reference to its records and is able to provide the amount of the overdue support upon request.

(2) The priority and amount of a lien for overdue support shall be determined as follows:

(i) The date of the lien for purposes of determining priority shall be determined separately for each unpaid overdue support payment. The date shall be the later of:

(A) *the date the obligor obtains a real property interest which may be subject to a lien;*

(B) *the date the overdue support becomes a lien under paragraph (1); or*

(C) *January 1, 1998.*

(ii) *The amount of the lien on any date shall be the amount of overdue support shown on that date in the records of the domestic relations section.*

(3) *Upon request of any person, the domestic relations section shall issue a written certification of the amount of overdue support owed by an individual as of the date of the certification and shall note on the docket the date of certification and the amount certified. The interests of any purchaser of real estate for value, mortgagee or other lienor that in good faith purchases the real estate or lends money on the security of the real estate and that records, within 30 days before or 60 days after the date of issuance of a certificate under this paragraph, a deed, mortgage or other encumbrance against the real estate shall not be subject to any lien for overdue support in excess of the amount shown on the certification.*

(4) *The amount of overdue support owed by an obligor and the name of the obligor shall be public information and shall be deemed a public record subject to the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.*

(5) *A lien arising from overdue support:*

(i) *shall automatically attach to after-acquired property owned by the obligor;*

(ii) *shall retain its priority without renewal or revival;*

(iii) *shall continue to encumber the property upon sale or other transfer;*

(iv) *shall not be divested upon a judicial sale or execution by a person with a lien with less priority;*

(v) *shall not attach to the interest of any other co-owner in the property;*

(vi) *shall expire 20 years after the due date of the last unsatisfied overdue support payment; and*

(vii) *may be released by the court as against abandoned or distressed real property at the request of a governmental unit in order to facilitate the property's sale and rehabilitation.*

(6) *The domestic relations section:*

(i) *shall satisfy the lien promptly upon payment but no later than 60 days following receipt of the payment;*

(ii) *may charge a fee not to exceed the lesser of its estimated cost of producing the report or \$20 for the issuance of a lien certification or other written report of the overdue support obligations of an obligor;*

(iii) shall provide to the prothonotary of the county the identity of obligors and amount of overdue support to be used to make the information available to the public. The information shall be updated at least monthly and shall be provided by a paper listing, diskette or any other electronic means until the Statewide system under subsection (d) is implemented; and

(iv) shall transmit at least every 60 days to credit bureaus directly or through the department reports and updates regarding the liens for overdue support.

(7) The domestic relations section or employees thereof shall not be liable for errors in the certification of amounts of overdue support or satisfaction of liens for overdue support except as provided in 42 Pa.C.S. § 8550 (relating to willful misconduct).

(8) Support may cease to be overdue if a revised payment schedule is established by the court, but any lien which has previously arisen against real estate shall remain in effect until paid or divested.

(9) Notwithstanding paragraphs (2) and (3), the interests of any person who recorded a deed, mortgage or other instrument creating an interest in or lien against real estate on or after January 1, 1998, and before the effective date of this subsection shall not be subject to a lien for any overdue support accruing on or after the date the deed, mortgage or other instrument creating the interest or lien was recorded.

* * *

Section 5. Section 4355(d.6) of Title 23 is amended to read:

§ 4355. Denial or suspension of licenses.

* * *

(d.6) Immunity.—The court, the domestic relations section, the Department of Public Welfare, the Department of Transportation, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission or any employee of any of these entities *or any person appointed by the Pennsylvania Game Commission or the Pennsylvania Fish and Boat Commission to issue licenses and permits pursuant to the applicable provisions of 30 Pa.C.S. (relating to fish) and 34 Pa.C.S. (relating to game)* shall not be subject to civil or criminal liability for carrying out their duties under this section.

* * *

Section 6. Section 4374(c) of Title 23 is amended and the section is amended by adding a subsection to read:

§ 4374. State disbursement unit.

* * *

(c) Allocation of collections.—Subject to subsections (d), (e) [and], (f) *and (f.1)*, support collected on behalf of a family shall be distributed as follows:

(1) In the case of a family receiving cash assistance from the Commonwealth:

(i) First, pay to the Federal Government an amount equal to the Federal share of the amount collected.

(ii) Second, after application of subparagraph (i), from the amount remaining, pass through to the assistance group the first \$50 per month of current child or spousal support collected without decreasing the amount of cash assistance, provided, however, that in no event may any assistance group be paid more than one support pass-through payment per month.

(iii) Third, retain the remainder of the amount collected to reimburse the Commonwealth until the amount reimbursed equals the amount of unreimbursed cash assistance paid to the family.

(iv) Fourth, pay to the family any amounts collected in excess of the amounts distributed or retained under subparagraphs (i), (ii) and (iii).

(2) In the case of a family that formerly received cash assistance from the Commonwealth:

(i) first, pay to the family the current support collected that does not exceed the court-ordered amount to be paid in the month; and

(ii) second, treat amounts collected in excess of the current support collected as arrearages and distribute as follows:

(A) In the case of arrearages that accrued after the family ceased to receive cash assistance from the Commonwealth and which are collected after October 1, [1997] 1998:

(I) first, pay the family up to the amount of arrearages that accrued after the family ceased to receive cash assistance from the Commonwealth;

(II) second, treat the balance as reimbursement of assistance in an amount not to exceed the total amount of unreimbursed cash assistance paid to the family and:

(a) pay an amount equal to the Federal share of the reimbursed amount to the Federal Government; and

(b) retain for the Commonwealth an amount equal to the non-Federal share of the reimbursed amount; and

(III) third, pay any remaining amount to the family.

[(B) In the case of arrearages that accrued before the family received cash assistance from the Commonwealth and which are collected before October 1, 2000:

(I) first, treat the amount collected first as reimbursement of assistance in an amount not to exceed the total amount of unreimbursed cash assistance paid to the family and:

(a) pay an amount equal to the Federal share of the reimbursed amount to the Federal Government; and

(b) retain for the Commonwealth an amount equal to the non-Federal share of the reimbursed amount; and

(II) second, pay any remaining amount to the family.]

(C) In the case of arrearages that accrued before the family received cash assistance from the Commonwealth and which are collected after October 1, [2000] 1998:

(I) first, pay to the family up to the amount of arrearages that accrued before the family began to receive cash assistance from the Commonwealth;

(II) second, treat the balance as reimbursement of assistance in an amount not to exceed the total amount of unreimbursed cash assistance paid to the family and:

(a) pay an amount equal to the Federal share of the reimbursed amount to the Federal Government; and

(b) retain for the Commonwealth an amount equal to the non-Federal share of the reimbursed amount; and

(III) third, pay any remaining amount to the family.

(D) In the case of arrearages that accrued while the family received cash assistance from the Commonwealth:

(I) first, treat the amount collected as reimbursement of assistance in an amount not to exceed the total amount of unreimbursed cash assistance paid to the family and:

(a) pay an amount equal to the Federal share of the reimbursed amount to the Federal Government; and

(b) retain for the Commonwealth an amount equal to the non-Federal share of the reimbursed amount; and

(II) second, pay any remaining amount to the family.

(E) Notwithstanding clauses (A) through (C), the right to any support obligation assigned to the Commonwealth as a condition of receiving cash assistance in effect on September 30, 1997, shall remain assigned after that date.

(F) Except for amounts assigned to the Commonwealth under subsection (d), beginning October 1, 1998, any support arrearages collected shall be credited as follows:

(I) first, to the period after the family ceased to receive assistance;

(II) second, to the period before the family received assistance; and

(III) third, to the period during which the family received assistance.

(3) In the case of a family that never received cash assistance from the Commonwealth, all support collections shall be paid to the family.

* * *

(f.1) Distribution.—Notwithstanding any other provision of law, all child support arrears collected prior to October 1, 1998, shall be distributed in accordance with department procedures applying all of the provisions

except subsection (b)(1) of section 457 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 657) as in effect on August 21, 1996.

* * *

Section 7. Section 4377(a) of Title 23 is amended by adding a paragraph to read:

§ 4377. Power to expedite support cases.

(a) Administrative powers.—The department shall have Statewide jurisdiction to issue the following administrative orders to expedite the establishment and enforcement of support on behalf of any assistance recipient or nonrecipient receiving Title IV-D services:

* * *

(13) To prohibit the issuance or renewal of a license of an obligor or other individual under section 4355(a) (relating to denial or suspension of licenses) or to require the suspension of the license of an obligor or other individual pursuant to section 4355(d.1).

* * *

Section 8. Section 5103(a) of Title 23 is amended to read:

§ 5103. Acknowledgment and claim of paternity.

(a) Acknowledgment of paternity.—The father of a child born to an unmarried woman may file with the Department of Public Welfare, on forms prescribed by the department, an acknowledgment of paternity of the child which shall include the consent of the mother of the child, supported by her **[affidavit] witnessed statement subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)**. In such case, the father shall have all the rights and duties as to the child which he would have had if he had been married to the mother at the time of the birth of the child, and the child shall have all the rights and duties as to the father which the child would have had if the father had been married to the mother at the time of birth. The hospital or other person accepting an acknowledgment of paternity shall provide written and oral notice, which may be through the use of video or audio equipment, to the birth mother and birth father of the alternatives to, the legal consequences of and the rights and responsibilities that arise from, signing the acknowledgment.

* * *

Section 9. Title 23 is amended by adding a section to read:

§ 5105. *Fingerprinting of children.*

Notwithstanding the provisions of 54 Pa.C.S. § 702(b) (relating to change by order of court), a child who is 12 years of age or younger shall not be required to submit a set of fingerprints for the purpose of a name change under 54 Pa.C.S. Ch. 7 (relating to judicial change of name).

Section 10. Sections 6302(b), 6335(b) and 6337 of Title 23 are amended to read:

§ 6302. Findings and purpose of chapter.

* * *

(b) Purpose.—It is the purpose of this chapter to encourage more complete reporting of suspected child abuse; to the extent permitted by this chapter, to involve law enforcement agencies in responding to child abuse; and to establish in each county protective services for the purpose of investigating the reports swiftly and competently, providing protection for children from further abuse and providing rehabilitative services for children and parents involved so as to ensure the child's well-being and to preserve, stabilize and protect the integrity of family life wherever appropriate *or to provide another alternative permanent family when the unity of the family cannot be maintained*. It is also the purpose of this chapter to ensure that each county children and youth agency establish a program of protective services with procedures to assess risk of harm to a child and with the capabilities to respond adequately to meet the needs of the family and child who may be at risk and to prioritize the response and services to children most at risk.

* * *

§ 6335. Information in pending complaint and unfounded report files.

* * *

(b) Access to information.—Except as provided in sections 6332 (relating to establishment of Statewide toll-free telephone number), 6334 (relating to disposition of complaints received), 6340 (relating to release of information in confidential reports) and 6342 (relating to studies of data in records), no person, other than an employee of the department in the course of official duties in connection with the responsibilities of the department under this chapter, shall at any time have access to any information in the pending complaint file or Statewide central register. Information in the file of unfounded reports shall be available only to employees of the department pursuant to this subsection, to subjects of a report *or law enforcement officials* pursuant to section 6340 and to the Office of Attorney General pursuant to section 6345 (relating to audits by Attorney General) until the reports are expunged pursuant to section 6337 (relating to disposition of unfounded reports).

§ 6337. Disposition of unfounded reports.

(a) General rule.—When a report of suspected child abuse is determined by the appropriate county agency to be an unfounded report, the information concerning that report of suspected child abuse shall be *maintained for a period of one year. Following the expiration of one year after the date the report was received by the department, the report shall be* expunged from the pending complaint file, as soon as possible, but no later than 120 days after *the one-year period following* the date the report was received by the department, and no information other than that authorized by subsection (b), which shall not include any identifying information on any subject of the report, shall be retained by the department.

(b) Absence of other determination.—If an investigation of a report of suspected child abuse conducted by the appropriate county agency pursuant

to this chapter does not determine within 60 days of the date of the initial report of the instance of suspected child abuse that the report is a founded report, an indicated report or an unfounded report, or unless within that same 60-day period court action has been initiated and is responsible for the delay, the report shall be considered to be an unfounded report, and all information identifying the subjects of the report shall be expunged no later than 120 days *following the expiration of one year* after the date the report was received by the department. The agency shall advise the department that court action or an arrest has been initiated so that the pending complaint file is kept current regarding the status of all legal proceedings and expunction delayed.

(c) Expunction of information.—All information identifying the subjects of any report of suspected child abuse and of any report under Subchapter C.1 (relating to students in public and private schools) determined to be an unfounded report shall be expunged from the pending complaint file pursuant to this section. The expunction shall be mandated and guaranteed by the department.

Section 11. Section 6340(a)(5), (9) and (10) of Title 23 are amended and the subsection is amended by adding a paragraph 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:

* * *

(5) A court of competent jurisdiction [**pursuant to a court order.**], *including a district justice, a judge of the Philadelphia Municipal Court and a judge of the Pittsburgh Magistrates Court, pursuant to court order or subpoena in a criminal matter involving a charge of child abuse under section 6303(b) (relating to definitions). Disclosure through testimony shall be subject to the restrictions of subsection (c).*

* * *

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

(i) Homicide *or other criminal offense set forth in section 6344(c) (relating to information relating to prospective child-care personnel)*, sexual abuse, sexual exploitation [or], serious bodily injury *or serious physical injury* perpetrated by persons whether or not related to the victim.

(ii) Child abuse perpetrated by persons who are not family members.

(iii) Repeated physical injury to a child under circumstances which indicate that the child's health, *safety* or welfare is harmed or threatened.

(iv) A missing child report.

(10) [**Law enforcement officials who**] *The district attorney or his designee or other law enforcement official, as set forth in the county protocols for investigative teams required in section 6365(c) (relating to*

services for prevention, investigation and treatment of child abuse), shall receive, immediately after the county agency has ensured the safety of the child, reports of abuse, either orally or in writing, according to regulations promulgated by the department, from the county agency in which the initial report of suspected child abuse or initial inquiry into the report gives evidence that the abuse is:

(i) [**homicide**] *a criminal offense set forth in section 6344(c), not including an offense under 18 Pa.C.S. § 4304 (relating to endangering welfare of children) or an equivalent crime under Federal law or the law of another state*, sexual abuse, sexual exploitation or serious bodily injury perpetrated by persons, whether or not related to the victim; [or]

(ii) child abuse perpetrated by persons who are not family members[.]; or

(iii) *serious physical injury involving extensive and severe bruising, burns, broken bones, lacerations, internal bleeding, shaken baby syndrome or choking or an injury that significantly impairs a child's physical functioning, either temporarily or permanently.*

* * *

(15) Appropriate officials of another county or state regarding an investigation related to child abuse or protective services when a family has moved to that county or state. Reports under this paragraph shall include general protective service reports and related information. Reports and information under this paragraph shall be provided within seven calendar days. The department shall promulgate regulations as necessary to carry out the purposes of this paragraph.

* * *

Section 12. Sections 6341(b), (c) and (f), 6344(b), (c) and (h), 6346(c) and 6365 of Title 23 are amended to read:

§ 6341. Amendment or expunction of information.

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(b) Review of grant of request.—If the secretary grants the request under subsection (a)(2), the Statewide central register, appropriate county agency, *appropriate law enforcement officials* and all subjects shall be so advised of the decision. The county agency and any subject have 45 days in which to file an administrative appeal with the secretary. If an administrative appeal is received, the secretary or his designated agent shall schedule a hearing pursuant to Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, and attending departmental regulations. If no administrative appeal is received within the designated time period, the Statewide central register shall comply with the decision of the secretary and advise the county agency to amend or expunge the information in their records so that the records are consistent at both the State and local levels.

(c) Review of refusal of request.—If the secretary refuses the request under subsection (a)(2) or does not act within a reasonable time, but in no

event later than 30 days after receipt of the request, the perpetrator or school employee shall have the right to a hearing before the secretary or a designated agent of the secretary to determine whether the summary of the indicated report in the Statewide central register should be amended or expunged on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with this chapter. The perpetrator or school employee shall have 45 days from the date of the letter giving notice of the decision to deny the request in which to request a hearing. The appropriate county agency *and appropriate law enforcement officials* shall be given notice of the hearing. The burden of proof in the hearing shall be on the appropriate county agency. The department shall assist the county agency as necessary.

* * *

(f) Notice of expunction.—Written notice of an expunction of any child abuse record made pursuant to the provisions of this chapter shall be served upon the subject of the record who was responsible for the abuse or injury and the appropriate county agency. Except as provided in this subsection, the county agency, upon receipt of the notice, shall take appropriate, similar action in regard to the local child abuse and school employee records and inform, for the same purpose, the appropriate coroner if that officer has received reports pursuant to section 6367 (relating to reports to department and coroner). Whenever the county agency investigation reveals, within 60 days of receipt of the report of suspected child abuse, that the report is unfounded but that the subjects need services provided or arranged by the county agency, the county agency [may] *shall* retain those records and shall specifically identify that the report was an unfounded report of suspected child abuse. *An unfounded report regarding subjects who receive services shall be expunged no later than 120 days following the expiration of one year after the termination or completion of services provided or arranged by the county agency.*

§ 6344. Information relating to prospective child-care personnel.

* * *

(b) Information submitted by prospective employees.—Administrators of child-care services shall require applicants to submit with their applications the following information obtained within the preceding one-year period:

(1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(2) A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded report of child

abuse, indicated report of child abuse, founded report for school employee or indicated report for school employee.

(3) Where the applicant is not a resident of this Commonwealth, administrators shall require the applicant to submit with the application for employment a *report of Federal criminal history record information. The applicant shall submit a full set of fingerprints to the department. The department shall submit the fingerprints to the Federal Bureau of Investigation in order to obtain a report of Federal criminal history record information [pursuant to the Federal Bureau of Investigation appropriation of the Department of Justice Appropriation Act of 1973 (Public Law 92-544, 86 Stat. 1116), and the department shall be the] and serve as intermediary for the purposes of this section.*

For the purposes of this subsection, an applicant may submit a copy of the required information with an application for employment. Administrators shall maintain a copy of the required information and shall require applicants to produce the original document prior to employment.

(c) Grounds for denying employment.—

(1) In no case shall an administrator hire an applicant where the department has verified that the applicant is named in the central register as the perpetrator of a founded report of child abuse committed within the five-year period immediately preceding verification pursuant to this section.

(2) In no case shall an administrator hire an applicant if the applicant's criminal history record information indicates the applicant has been convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses) *or an equivalent crime under Federal law or the law of another state:*

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709 (relating to harassment and stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

The attempt, solicitation or conspiracy to commit any of the offenses set forth in this paragraph.

(3) In no case shall an administrator hire an applicant if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding verification under this section.

* * *

(h) Fees.—The department may charge a fee not to exceed \$10 in order to conduct the certification as required in subsection (b)(2)[.], *except that no fee shall be charged to an individual who makes the request in order to apply to become a volunteer with an affiliate of Big Brothers of America or Big Sisters of America.*

* * *

§ 6346. Cooperation of other agencies.

* * *

(c) Cooperation of county agency and law enforcement agencies.—Consistent with the provisions of this chapter, the county agency and law enforcement agencies shall cooperate and coordinate, to the fullest extent possible, their efforts to respond to *and investigate* reports of suspected child abuse and to reports under Subchapter C.1.

* * *

§ 6365. Services for prevention, *investigation* and treatment of child abuse.

(a) *Instruction and education.*—Each county agency shall make available among its services for the prevention and treatment of child abuse [**multidisciplinary teams,**] instruction and education for parenthood and parenting skills, protective and preventive social counseling, emergency caretaker services, emergency shelter care, emergency medical services and the establishment of self-help groups organized for the prevention and treatment of child abuse, part-day services, out-of-home placement services, therapeutic activities for child and family directed at alleviating conditions that present a risk to the safety and well-being of a child and any other services required by department regulations.

(b) *Multidisciplinary team.*—*The county agency shall make available among its services a multidisciplinary team for the prevention, investigation and treatment of child abuse and shall convene the multidisciplinary team at any time, but not less than annually:*

(1) *To review substantiated cases of child abuse, including responses by the county agency and other agencies providing services to the child.*

(2) Where appropriate to assist in the development of a family service plan for the child.

(c) Investigative team.—The county agency and the district attorney shall develop a protocol for the convening of investigative teams for any case of child abuse involving crimes against children which are set forth in section 6340(a)(9) and (10) (relating to release of information in confidential reports). The county protocol shall include standards and procedures to be used in receiving and referring reports and coordinating investigations of reported cases of child abuse and a system for sharing the information obtained as a result of any interview. The protocol shall include any other standards and procedures to avoid duplication of fact-finding efforts and interviews to minimize the trauma to the child. The district attorney shall convene an investigative team in accordance with the protocol. The investigative team shall consist of those individuals and agencies responsible for investigating the abuse or for providing services to the child and shall at a minimum include a health care provider, county caseworker and law enforcement official.

Section 13. The provisions of 23 Pa.C.S. Pt. II and 54 Pa.C.S. § 702(b) are repealed insofar as they are inconsistent with this act.

Section 14. The amendment of 23 Pa.C.S. § 4374 shall apply to all child support arrears collected on or after October 1, 1998.

Section 15. Nothing in this act shall impair the priority or validity of any lien recorded prior to the effective date of this act.

Section 16. This act shall take effect as follows:

(1) The amendment of 23 Pa.C.S. §§ 6302(b), 6335(b), 6337, 6340(a)(9) and (10), 6341(b), (c) and (f), 6346(c) and 6365 shall take effect March 1, 1999.

(2) The amendment of 23 Pa.C.S. § 6344 shall take effect January 1, 1999.

(3) The remainder of this act shall take effect immediately.

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

THOMAS J. RIDGE