

No. 2006-126

AN ACT

SB 63

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

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

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

§ 1306. Oral examination.

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

- (1) The legality of the contemplated marriage.
- (2) Any prior marriage or marriages and its or their dissolution.
- (3) The restrictions set forth in section 1304 (relating to restrictions on issuance of license).
- (4) All the information required to be furnished on the application for license as prepared and approved by the department.

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

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

(d) Definition.—*As used in this section, the term “active military service” means active service in any of the armed services or forces of the United States or this Commonwealth.*

§ 6368. Investigation of reports.

(a) General rule.—Upon receipt of each report of suspected child abuse, the county agency shall immediately commence an appropriate investigation and see the child immediately if emergency protective custody is required or has been or shall be taken or if it cannot be determined from the report whether emergency protective custody is needed. Otherwise, the county agency shall commence an appropriate investigation and see the child within 24 hours of receipt of the report. The investigation shall include a determination of the risk of harm to the child or children if they continue to remain in the existing home environment, as well as a determination of the nature, extent and cause of any condition enumerated in the report [and], any

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

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

§ 6375. County agency requirements for general protective services.

* * *

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

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

Section 3. The Department of Public Welfare may promulgate rules and regulations to administer and enforce the amendment of 23 Pa.C.S. §§ 6368 and 6375 effected by this act.

Section 4. This act shall take effect in 60 days.

APPROVED—The 27th day of October, A.D. 2006.

EDWARD G. RENDELL