

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1311 Session of 2015

INTRODUCED BY VANCE, KITCHEN, YUDICHAK, RAFFERTY, MENSCH, BROWNE, HUGHES, COSTA, RESCHENTHALER, VULAKOVICH, SCHWANK, HAYWOOD, WARD AND BAKER, JUNE 14, 2016

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 20, 2016

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in adoption, further providing for grounds for
4 involuntary termination; in child protective services,
5 further providing for definitions and for release of
6 information in confidential reports; and, in juvenile
7 matters, further providing for definitions.

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

10 Section 1. Section 2511(a) of Title 23 of the Pennsylvania
11 Consolidated Statutes is amended by adding paragraphs to read:
12 § 2511. Grounds for involuntary termination.

13 (a) General rule.--The rights of a parent in regard to a
14 child may be terminated after a petition filed on any of the
15 following grounds:

16 * * *

17 (10) The parent has been found by a court of competent
18 jurisdiction to have committed sexual abuse against the child
19 or another child of the parent BASED ON A JUDICIAL

1 ADJUDICATION AS SET FORTH IN PARAGRAPH (1) (I), (II), (III) OR
2 (IV) OR (4) OF THE DEFINITION OF "FOUNDED REPORT" IN SECTION
3 6303(A) (RELATING TO DEFINITIONS) WHERE THE JUDICIAL
4 ADJUDICATION IS BASED ON A FINDING OF "SEXUAL ABUSE OR
5 EXPLOITATION" AS DEFINED IN SECTION 6303(A).

6 (11) The parent is required to register with a sex <--
7 offender registry. AS A SEXUAL OFFENDER UNDER 42 PA.C.S. CH. <--
8 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS) OR
9 TO REGISTER WITH A SEXUAL OFFENDER REGISTRY IN ANOTHER
10 JURISDICTION OR FOREIGN COUNTRY.

11 * * *

12 Section 2. Paragraph (1) of the definition of "perpetrator"
13 in section 6303(a) of Title 23 is amended by adding a
14 subparagraph and (b.1) is amended by adding a paragraph to read:
15 § 6303. Definitions.

16 (a) General rule.--The following words and phrases when used
17 in this chapter shall have the meanings given to them in this
18 section unless the context clearly indicates otherwise:

19 * * *

20 "Perpetrator." A person who has committed child abuse as
21 defined in this section. The following shall apply:

22 (1) The term includes only the following:

23 * * *

24 (vii) An individual 18 years of age or older who
25 engages a child in severe forms of trafficking in persons
26 or sex trafficking, as those terms are defined under
27 section 103 of the Trafficking Victims Protection Act of
28 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

29 * * *

30 (b.1) Child abuse.--The term "child abuse" shall mean

1 intentionally, knowingly or recklessly doing any of the
2 following:

3 * * *

4 (10) Engaging a child in a severe form of trafficking in
5 persons or sex trafficking, as those terms are defined under
6 section 103 of the Trafficking Victims Protection Act of 2000
7 (114 Stat. 1466, 22 U.S.C. § 7102).

8 * * *

9 Section 3. Section 6340(a)(9) of Title 23 is amended by
10 adding a subparagraph to read:

11 § 6340. Release of information in confidential reports.

12 (a) General rule.--Reports specified in section 6339
13 (relating to confidentiality of reports) shall only be made
14 available to:

15 * * *

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

19 * * *

20 (v) Severe forms of trafficking in persons or sex
21 trafficking, as those terms are defined under section 103
22 of the Trafficking Victims Protection Act of 2000 (114
23 Stat. 1466, 22 U.S.C. § 7102).

24 * * *

25 Section 4. The definition of "aggravated circumstances" in
26 section 6302 of Title 42 is amended by adding a paragraph to
27 read:

28 § 6302. Definitions.

29 The following words and phrases when used in this chapter
30 shall have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 * * *

3 "Aggravated circumstances." Any of the following
4 circumstances:

5 * * *

6 (6) The parent of the child is required to register with<--

7 a sex offender registry. AS A SEXUAL OFFENDER UNDER <--

8 SUBCHAPTER H OF CHAPTER 97 (RELATING TO REGISTRATION OF

9 SEXUAL OFFENDERS) OR TO REGISTER WITH A SEXUAL OFFENDER

10 REGISTRY IN ANOTHER JURISDICTION OR FOREIGN COUNTRY.

11 * * *

12 Section 5. This act shall take effect immediately.