

COMMITTEE BILL ANALYSIS

Bill: House Bill 414

Printer's No.: 584

Sponsor: Rep. O'Neill

Prepared by: Gregg Warner

Synopsis: This bill amends the Domestic Relations Code, Title 23, providing for the consideration of child abuse and involvement with child protective services in custody cases, and the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, further providing for the inspection of court files and records.

Summary:

Domestic Relations Code amendments

Section 5329.1 is added to Title 23 to make information relating to child abuse available to the court in custody cases. Where a party seeks any form of custody, with respect to child abuse, the court shall determine:

- (1) Whether the child is the subject of an indicated or founded report of child abuse.
- (2) Whether a party or a member of the party's household has been identified as the perpetrator in an indicated or founded report of child abuse.
- (3) The date and circumstances of the child abuse.
- (4) The jurisdiction where the child abuse investigation took place.

With respect to general protective services, the court shall determine:

- (1) Whether a party or a member of a party's household has been provided general protective services.
- (2) The type of services provided.
- (3) The circumstances surrounding the provision of services.
- (4) Whether the services were effective.
- (5) The date the services were provided.
- (6) The jurisdiction where the services were provided.

The Department of Public Welfare and the county children and youth social service agency shall cooperate with the court and assist the court in fulfilling its duties under this section.

The Supreme Court or an agency it designates shall develop procedures to implement the provisions of this section.

Section 5328, relating to factors to consider when awarding custody, is amended to add as a factor the information provided under new section 5329.1.

Section 6340, relating to the release of information in confidential reports, is amended to allow for the release of confidential reports relating to child abuse to a court in any matter involving custody of a child as provided under section 5328.

Judicial Code amendment

Section 6307 of the Juvenile Act (42 Pa.C.S. Ch. 63) is amended to allow files and records of the court in a juvenile proceeding to be open for inspection by a court in any matter involving custody of a child as provided under sections 5328 and 5329.1 of the Domestic Relations Code.

Applicability

The amendment or addition of provisions by this bill shall apply to any action regarding custody of a child filed on or after the effective date of this act. They also apply to any petition to modify a custody order filed on or after the effective date of this act.

Effective date

This act takes effect in 60 days.

Background: The House of Representatives passed House Bill 414 on February 12, 2013 by a vote of 198 to 0.

According to the sponsor, “The Task Force on Child Protection cited the need for a court in a custody matter to have information regarding the child with respect to whether the child had been identified as a victim of child abuse and whether the person seeking custody had been identified as a perpetrator of child abuse.”