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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 980 Session of  
2019

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INTRODUCED BY KEARNEY, PHILLIPS-HILL, SANTARSIERO, BROWNE,  
KILLION, FONTANA, HUGHES, BREWSTER, COSTA, MUTH AND FARNESE,  
DECEMBER 18, 2019

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REFERRED TO HEALTH AND HUMAN SERVICES, DECEMBER 18, 2019

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AN ACT

1 Amending Title 2 (Administrative Law and Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for child  
3 victims and witnesses.

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

6 Section 1. Chapter 5 of Title 2 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER E

9 CHILD VICTIMS AND WITNESSES

10 Sec.

11 591. Definitions.

12 592. Rights and services.

13 593. Alternative method of testimony.

14 § 591. Definitions.

15 The following words and phrases when used in this subchapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Child abuse." As defined in 23 Pa.C.S. § 6303(b.1)

1 (relating to definitions).

2 "Department." The Department of Human Services of the  
3 Commonwealth.

4 "Sexual abuse or exploitation." As defined in 23 Pa.C.S. §  
5 6303.

6 § 592. Rights and services.

7 (a) Designation of persons to act on behalf of children.--  
8 When necessary to protect and promote the best interests of  
9 child witnesses, the department may designate one or more  
10 persons as a child advocate to accompany and provide the  
11 following services on behalf of children who are involved in  
12 proceedings before the department as material witnesses:

13 (1) To explain, in language understood by the child, all  
14 legal proceedings in which the child will be involved.

15 (2) To advise the department, whenever appropriate, of  
16 the child's ability to understand and cooperate with any  
17 proceedings.

18 (3) To assist or secure assistance for the child and the  
19 child's family in coping with the emotional impact of the  
20 proceedings in which the child is involved.

21 (b) Qualifications.--Persons designated under subsection (a)  
22 may be attorneys at law or other persons who, by virtue of  
23 service as rape crisis or domestic violence counselors or by  
24 virtue of membership in a community service organization or of  
25 other experience acceptable to the department, possess  
26 education, experience or training in counseling for victims of  
27 child or sexual abuse.

28 § 593. Alternative method of testimony.

29 (a) Applicability.--In a proceeding before the department,  
30 the provisions of 42 Pa.C.S. Ch. 59 Subch. D (relating to child

1 victims and witnesses) shall apply if all of the following  
2 apply:

3 (1) A child is the subject of a report of substantiated  
4 child abuse or sexual abuse or exploitation by a party to a  
5 proceeding under this chapter.

6 (2) An alternative method of testimony is necessary to  
7 protect and promote the best interests of the child.

8 (b) Petition.--A petition, on a form developed by the  
9 department, to utilize the provisions of this section may be  
10 made on behalf of the child, which the department shall approve  
11 or deny. The petition may be made by:

12 (1) A parent.

13 (2) A guardian.

14 (3) A court-appointed special advocate.

15 (4) A court-appointed attorney representing the child in  
16 any other matter.

17 (5) Any other individual in loco parentis to the child.

18 Section 2. This act shall take effect in 60 days.