State Mandates

- **The Child Protective Services Law (CPSL):**

  First enacted in 1975, the CPSL notes that abused children are in urgent need of an effective child protective service to prevent them from suffering further injury and impairment. It notes several purposes:
  - Establish in each county protective services for the purpose of investigating reports swiftly and competently;
  - Provide protection for children from further abuse;
  - Provide rehabilitative services for children and parents to:
    - Ensure the child's well-being, and
    - Preserve, stabilize and protect the integrity of family life whenever appropriate or provide another alternative permanent family when the unity of the family cannot be maintained;
  - Encourage more complete reporting of suspected child abuse;
  - Involve law enforcement agencies in responding to child abuse;
  - Establish procedures to assess risk of harm to a child in order to:
    - Respond adequately to meet the needs of the family and child who may be at risk, and
    - Prioritize the response and services to children most at risk.

- **The Juvenile Act: This Act was first enacted in 1972 and sets out five purposes:**

  - Preserve the unity of the family whenever possible or to provide another permanent family when the unity of the family cannot be maintained.
  - To provide for the care, protection, safety and wholesome mental and physical development of children coming within its provisions.
  - Consistent with the protection of the public interest, to provide for children committing delinquent acts, programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable children to become responsible and productive members of the community.
  - Achieve these purposes in a family environment whenever possible, separating the child from parents only when necessary for his/her welfare, safety or health, or in the interests of public safety.
  - Provides a means through which the Act's provisions are executed and enforced, and in which the parties are assured a fair hearing and their constitutional and other legal rights are recognized and enforced.

- **Newborn Protection Act (Act 201 of 2002):**

  This Act permits a parent to leave a newborn at a hospital without fear of criminal prosecution when the child has not been a victim of suspected child abuse.

- **Protection from Abuse Act (23 Pa. C.S.A §6101-6117)**

  While the Juvenile Act and CPSL involve state action to protect children, the Protection from Abuse Act permits a family or household member to obtain a court order to protect a child or

State Mandates (continued)

family or other household member who is the victim of abuse. Under this Act, the court has wide ranging powers of relief, including ordering the abusive member of the family or household out of the house for up to one year.

A petitioner need only show by preponderance of the evidence that the child was abused within the meaning of the Act. (Child Abuse and the Law)

- **Adoption Act**

  This Act details proceedings for voluntary relinquishment, involuntary termination and adoption. It details mechanisms to provide a new, permanent, legal family for children whose birth parents are unable or unwilling to fulfill this responsibility. Before a child can be adopted, the relationship between the child and his/her parents must be legally severed permanently. This can be accomplished voluntarily or involuntarily. When it is done, the child is “legally free” for adoption. Finalization of an adoption then creates a new parent/child relationship. The adoptive parents and child assume rights and duties equivalent to those of birth parents and a child.

- **Act 101 of 2010**

  This Act permits enforceable voluntary agreements for post-adoption contact. It also outlines expanded requirements for the information registry and expands access to adoption records.

- **Crimes Code:**

  This body of law is enacted to preserve the public order by defining an offense against the public and imposing a penalty for its violation. These offenses may be prosecuted in a criminal proceeding before the court.

- **Regulations:**

  These rules or other directives are issued by administrative agencies, such as the Department of Human Services. They bind each county in its administration and provision of services and describe implementation of legal requirements. The regulations dictating child welfare practice include:
  - Chapter 3130- Administration of County Children and Youth Social Service Programs
  - Chapter 3350- Adoption Services
  - Chapter 3490- Child Protective Services – Child Abuse
  - Chapter 3700- Foster Family Care Agency

- **Bulletins:**

  Issued by administrative agencies, such as the Department of Human Services, Bulletins implement legal requirements. They present statements of policy and guidelines which are used, for the most part, until regulations are published as final rulemaking.