

DOMESTIC RELATIONS (23 PA.C.S.) - RESTRICTIONS ON ISSUANCE OF  
LICENSE AND FOR ORAL EXAMINATION AND FOR PANDEMIC OF 2020

Act of May 8, 2020, P.L. 121, No. 18

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No. 2020-18

HB 360

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in marriage license, further providing for restrictions on issuance of license and for oral examination; and, in child protective services, providing for pandemic of 2020.

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

Section 1. Sections 1304(b) and 1306(b) of Title 23 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1304. Restrictions on issuance of license.

(b) Minors.--

(1) No marriage license may be issued if either of the applicants for a license is under [16 years of age unless the court decides that it is to the best interest of the applicant and authorizes the issuance of the license.

(2) No marriage license may be issued if either of the applicants is under 18 years of age unless the consent of the custodial parent or guardian of the applicant is personally given before the person issuing the license or is certified under the hand of the custodial parent or guardian attested by two adult witnesses and, in the latter case, the signature of the custodial parent or guardian is acknowledged before an officer authorized by law to take acknowledgments. When the minor has no guardian and a judge of the court is absent or not accessible for any reason, the office issuing the license may appoint a guardian pro hac vice for the minor.] **18 years of age.**

\* \* \*

§ 1306. Oral examination.

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(b) Exception.--If an applicant is unable to appear in person because of his active military service **or because the office of the register of wills is closed due to a state of disaster emergency declared by the Governor under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor) or**

a declaration of judicial emergency under Article V of the Constitution of Pennsylvania, a law of this Commonwealth, a rule of court or other judicial order by the Supreme Court or any agency or unit of the unified judicial system exercising a power or performing a duty under 42 Pa.C.S. § 1721 (relating to delegation of powers), the applicant shall be permitted to forward an affidavit, which verifies all of the information required under subsection (a), to the issuing authority.

\* \* \*

Section 2. Title 23 is amended by adding a section to read: § 6387. Pandemic of 2020.

(a) General rule.--Notwithstanding any provision of law to the contrary, the following shall apply to any individual required to obtain recertification under section 6344.4 (relating to recertification) during the disaster emergency relating to COVID-19. The following shall apply:

(1) An individual shall have until December 31, 2020, to obtain the recertification under section 6344(b)(3) (relating to employees having contact with children; adoptive and foster parents) or under section 111(c.1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(2) An individual shall be required to obtain the certifications under section 6344(b)(1) and (2) as required under section 6344.4.

(3) An individual who delays recertification under section 6344(b)(3) or under section 111(c.1) of the Public School Code of 1949 shall be required to obtain the individual's subsequent recertifications required under section 6344.4 within 60 months from the date of the individual's most recent certification.

(b) Initial applicants.--The following shall apply:

(1) Notwithstanding any provision of law to the contrary, an individual identified under section 6344(a) may commence employment prior to obtaining the certification required under section 6344(b)(3) if all of the following apply:

(i) The individual has been a resident of this Commonwealth during the entirety of the previous 10-year period or, if the individual has not been a resident of this Commonwealth during the entirety of the previous 10-year period, the individual has submitted an equivalent certification under section 6344(b)(1) from the last state in which the individual was a resident.

(ii) The individual has submitted the certifications under section 6344(b)(1) and (2) to the employer, administrator, supervisor or other person responsible for

employment decisions prior to the commencement of employment.

(iii) An employer, administrator, supervisor or other person responsible for employment decisions shall document the reason, which relates to the COVID-19 disaster emergency, that the individual is unable to obtain and submit the certifications required under section 6344(b)(3).

(iv) The individual affirms, subject to the penalty of 18 Pa.C.S. § 4903 (relating to false swearing), in writing, that the individual is not disqualified from employment pursuant to section 6344(c) or has not been convicted of an offense similar in nature to those crimes listed in section 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

(2) An individual who commences employment under paragraph (1) shall be required to submit the information required under section 6344(b)(3) no later than December 31, 2020, or 60 days after the expiration of the declaration of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), whichever is sooner.

(3) If the information obtained pursuant to section 6344(b)(3) reveals that an individual is disqualified from employment pursuant to section 6344(c), the individual shall be immediately dismissed by the employer, administrator, supervisor or other person responsible for employment decisions.

(4) An individual who commences employment in a child day-care center, group day-care home or family child-care home under paragraph (1) shall comply with section 6344(m)(5).

(5) This subsection shall expire December 31, 2020.

(c) Required record.--An employer, administrator, supervisor or other person responsible for employment decisions shall maintain a copy of the required information under subsections (a) and (b).

(d) Definition.--As used in this section, the term "COVID-19" means the novel coronavirus as identified in the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

Section 3. This act shall be retroactive as follows:

(1) The amendment of 23 Pa.C.S. § 1306(b) shall be retroactive to March 18, 2020.

(2) The addition of 23 Pa.C.S. § 6387(a) and (c) shall be retroactive to March 6, 2020.

Section 4. This act shall take effect as follows:

(1) The amendment of 23 Pa.C.S. § 1304(b) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 8th day of May, A.D. 2020.

TOM WOLF