

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2513 Session of
2012

INTRODUCED BY TALLMAN, CLYMER, GROVE, MILNE, PICKETT, ROCK AND
SWANGER, JUNE 26, 2012

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 26, 2012

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in proceedings prior to petition to adopt, further
4 providing for grounds for involuntary termination; and, in
5 juvenile matters, further providing for disposition of
6 dependent child.

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

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

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

15 * * *

16 (10) The repeated and continued abuse of alcohol or a
17 controlled substance by the parent has placed the health,
18 safety or welfare of the child at risk and the abuse of
19 alcohol or a controlled substance cannot or will not be
20 remedied by the parent.

1 * * *

2 Section 2. Section 6351(f.2) of Title 42 is amended and
3 subsection (f) is amended by adding a paragraph to read:

4 § 6351. Disposition of dependent child.

5 * * *

6 (f) Matters to be determined at permanency hearing.--At each
7 permanency hearing, a court shall determine all of the
8 following:

9 * * *

10 (6.1) Whether the use of alcohol or a controlled
11 substance by the parent places the health, safety or welfare
12 of the child at risk.

13 * * *

14 (f.2) Evidence.--

15 (1) Evidence of conduct by the parent that places the
16 health, safety or welfare of the child at risk, including
17 evidence of the use of alcohol or a controlled substance that
18 places the health, safety or welfare of the child at risk,
19 shall be presented to the court by the county agency or any
20 other party at any disposition or permanency hearing whether
21 or not the conduct was the basis for the determination of
22 dependency. The failure of a drug test requested by the
23 county agency or the refusal to participate in a drug test
24 requested by the county agency shall constitute prima facie
25 evidence of the use of alcohol or a controlled substance that
26 places the health, safety or welfare of the child at risk.

27 (2) When used in this subsection, the term "drug test"
28 shall mean a urinalysis, blood test or another scientific
29 study of an individual's body which has been conclusively
30 found to detect the presence of alcohol or the presence or

1 prior use of an illegal drug or substance and for which the
2 accuracy has been accepted in the scientific community.

3 * * *

4 Section 3. This act shall take effect in 60 days.