

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 905 Session of
1995

INTRODUCED BY KREBS, BLAUM, ZUG, GORDNER, TIGUE, McCALL, DeLUCA,
STABACK, YOUNGBLOOD, SATHER, TRELLO, MUNDY, BATTISTO AND
STEELMAN, FEBRUARY 28, 1995

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 17, 1995

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for involuntary
3 termination of parental rights.

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

6 Section 1. Section ~~2511(a)(5) and~~ 2511(b) of Title 23 of the <—
7 Pennsylvania Consolidated Statutes ~~are~~ IS amended and subsection <—
8 (a) is amended by adding a paragraph to read:

9 § 2511. Grounds for involuntary termination.

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

13 * * *

14 ~~(5) The child has been removed from the care of the <—~~
15 ~~parent by the court or under a voluntary agreement with an~~
16 ~~agency [for a period of at least six months], the conditions~~
17 ~~which led to the removal or placement of the child continue~~

1 ~~to exist, the parent [cannot or will not remedy those~~
2 ~~conditions within a reasonable period of time] has not~~
3 ~~remedied those conditions within 12 months from the date of~~
4 ~~removal or placement, the services or assistance reasonably~~
5 ~~available to the parent [are not likely to remedy] have not~~
6 ~~remedied the conditions which led to the removal or placement~~
7 ~~of the child within [a reasonable period of time] 12 months~~
8 ~~from the date of removal or placement and termination of the~~
9 ~~parental rights would best serve the needs and welfare of the~~
10 ~~child.~~

11 * * *

12 ~~(8) The child has been removed from the care of the~~
13 ~~parent by the court or under a voluntary agreement with an~~
14 ~~agency and the child:~~

15 ~~(i) was in placement for a period of 12 months or~~
16 ~~longer;~~

17 ~~(ii) was returned home to the parent; and~~

18 ~~(iii) was, within 12 months of returning, again~~
19 ~~removed from the care of the parent by the court or under~~
20 ~~a voluntary agreement with an agency for similar~~
21 ~~conditions of abuse, neglect or incapacity.~~

22 ~~(8) THE CHILD HAS BEEN REMOVED FROM THE CARE OF THE~~ <—
23 ~~PARENT BY THE COURT OR UNDER A VOLUNTARY AGREEMENT WITH AN~~
24 ~~AGENCY, THE CONDITIONS WHICH LED TO THE REMOVAL OR PLACEMENT~~
25 ~~OF THE CHILD CONTINUE TO EXIST, THE PARENT HAS NOT REMEDIED~~
26 ~~THOSE CONDITIONS WITHIN 12 MONTHS FROM THE DATE OF REMOVAL OR~~
27 ~~PLACEMENT, THE SERVICES OR ASSISTANCE REASONABLY AVAILABLE TO~~
28 ~~THE PARENT HAS NOT REMEDIED THE CONDITIONS WHICH LED TO THE~~
29 ~~REMOVAL OR PLACEMENT OF THE CHILD WITHIN 12 MONTHS FROM THE~~
30 ~~DATE OF REMOVAL OR PLACEMENT AND TERMINATION OF THE PARENTAL~~

1 RIGHTS WOULD BEST SERVE THE NEEDS AND WELFARE OF THE CHILD.

2 (b) Other considerations.--The court in terminating the
3 rights of a parent shall give primary consideration to the
4 developmental, physical and emotional needs and welfare of the
5 child. The rights of a parent shall not be terminated solely on
6 the basis of environmental factors such as inadequate housing,
7 furnishings, income, clothing and medical care if found to be
8 beyond the control of the parent. With respect to any petition
9 filed pursuant to subsection ~~(a)(1) [or (6)] through (8)~~ (A)(1) <—
10 [OR], (6) OR (8), the court shall not consider any efforts by
11 the parent to remedy the conditions described therein which are
12 first initiated subsequent to the giving of notice of the filing
13 of the petition.

14 * * *

15 Section 2. Section 2512(a) of Title 23 is amended by adding
16 a paragraph to read:

17 § 2512. Petition for involuntary termination.

18 (a) Who may file.--A petition to terminate parental rights
19 with respect to a child under the age of 18 years may be filed
20 by any of the following:

21 * * *

22 (4) The child, represented by an attorney, if the child
23 has been adjudicated dependent under 42 Pa.C.S. § 6341(c)
24 (relating to adjudication).

25 * * *

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