

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 34

Special Session No. 1 of
1995

INTRODUCED BY O'PAKE, MELLOW, SCHWARTZ, MUSTO, JONES,
ANDREZESKI, STAPLETON, STOUT, BELAN, AFFLERBACH AND WILLIAMS,
JANUARY 24, 1995

REFERRED TO JUDICIARY, JANUARY 24, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, authorizing courts to
3 enter orders requiring the presence of parents, guardians or
4 custodians at proceedings for juveniles.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding sections to read:

9 § 6310. Participation order.

10 (a) General rule.--In any proceedings under this chapter, a
11 court may enter an order specifically requiring a parent or
12 guardian to participate in the rehabilitation process of a
13 juvenile, including, but not limited to, a community service
14 program, counseling, treatment or education program.

15 (b) Presence at proceedings.--The court may, when the court
16 determines that it is in the best interests of the child, issue
17 an order applicable to a parent or guardian of a child and the
18 person with whom the child resides, if other than the child's

1 parent or guardian. The order shall require the parent or
2 guardian and the person with whom the child resides, if other
3 than the parent or guardian, to be present at any juvenile
4 proceeding concerning the child.

5 (c) Contempt.--A person failing to comply with an order of
6 protection without good cause may be found in contempt of court.

7 (d) Detention.--

8 (1) The court shall issue a bench warrant for any parent
9 or guardian or person with whom the child resides, if other
10 than the parent or guardian, who, without good cause, fails
11 to appear at any proceeding.

12 (2) For purposes of this subsection, good cause for
13 failing to appear shall include, but not be limited to, a
14 situation where a parent or guardian:

15 (i) does not have physical custody of the child and
16 resides outside of this Commonwealth;

17 (ii) has physical custody of the child, but resides
18 outside of this Commonwealth and appearing in court will
19 result in undue hardship to such parent or guardian; or

20 (iii) resides in this Commonwealth, but is outside
21 of the State at the time of the juvenile proceeding for
22 reasons other than avoiding appearance before the court
23 and appearing in court will result in undue hardship to
24 such parent or guardian.

25 (e) Intent.--The General Assembly hereby declares that every
26 parent or guardian whose child is the subject of a juvenile
27 proceeding and any community service program, counseling,
28 treatment or education program under this chapter should attend
29 any such proceeding or program as often as is practicable.

30 (f) Limitation.--Nothing in this section shall be construed

1 to create a right for any juvenile to have his parent or
2 guardian present at any proceeding at which such juvenile is
3 present.

4 § 6311. Joinder in proceedings.

5 (a) General rule.--The court may, when the court determines
6 that it is in the best interests of the child, join the child's
7 parent or guardian and the person with whom the child resides,
8 if other than the child's parent or guardian, as a respondent to
9 the action and may issue a summons requiring the parent or
10 guardian and the person with whom the child resides, if other
11 than the child's parent or guardian, to appear with the child at
12 all proceedings under this chapter involving the child. If the
13 parent or guardian of any child cannot be found, the court, in
14 its discretion, may proceed with the case without the presence
15 of such parent or guardian. This section shall not apply to any
16 person whose parental rights have been terminated pursuant to
17 the provisions of Title 23 (relating to domestic relations) or
18 the parent of an emancipated minor.

19 (b) Requirement.--The summons shall require the person or
20 persons having the physical custody of the juvenile, if other
21 than a parent or guardian, to appear and to bring the juvenile
22 before the court at a time and place stated.

23 § 6312. Penalties.

24 (a) General rule.--Except as provided by subsection (b), any
25 person summoned or required to appear as provided in section
26 6311 (relating to joinder in proceedings) who has acknowledged
27 service and fails to appear without reasonable cause may be
28 proceeded against for contempt of court.

29 (b) Detention.--

30 (1) When a parent or other person who signed a written

1 promise to appear and bring the juvenile to court or who has
2 waived or acknowledged service fails to appear with the
3 juvenile on the date set by the court, a bench warrant may be
4 issued for the parent or other person, the juvenile, or both.

5 (2) Whenever a parent or guardian or person with whom
6 the juvenile resides, if other than the parent or guardian,
7 who has received a summons to appear fails, without good
8 cause, to appear on any other date set by the court, a bench
9 warrant shall be issued for the parent, guardian or person
10 with whom the juvenile resides, and the parent, guardian or
11 person with whom the juvenile resides shall be subject to
12 contempt.

13 (3) Whenever a parent or guardian or person with whom
14 the juvenile resides, if other than the parent or guardian,
15 who is subject to an order requiring that person to
16 participate in the child's community service, counseling,
17 treatment or education program fails, without good cause to
18 comply with the order, a bench warrant shall be issued for
19 that person and he shall be subject to contempt proceedings.

20 (4) For purposes of this subsection, good cause for
21 failing to appear shall include, but not be limited to, a
22 situation where a parent or guardian:

23 (i) does not have physical custody of the child and
24 resides outside of this Commonwealth;

25 (ii) has physical custody of the child, but resides
26 outside of this Commonwealth and appearing in court will
27 result in undue hardship to such parent or guardian; or

28 (iii) resides in this Commonwealth, but is outside
29 of the State at the time of the juvenile proceeding for
30 reasons other than avoiding appearance before the court

1 and appearing in court will result in undue hardship to
2 such parent or guardian.

3 (5) The nonappearance of such parent, guardian or person
4 with whom the child resides shall not be the basis for a
5 continuance.

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