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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1191 Session of  
2010

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INTRODUCED BY VANCE, MENSCH, LEACH, BAKER, WARD, ALLOWAY,  
BOSCOLA, BROWNE, EARLL, FOLMER, FONTANA, LOGAN, MUSTO, O'PAKE  
AND ORIE, FEBRUARY 1, 2010

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REFERRED TO JUDICIARY, FEBRUARY 1, 2010

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 further defining "dependent child."

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

6 Section 1. The definition of "dependent child" in section  
7 6302 of Title 42 of the Pennsylvania Consolidated Statutes is  
8 amended to read:

9 § 6302. Definitions.

10 The following words and phrases when used in this chapter  
11 shall have, unless the context clearly indicates otherwise, the  
12 meanings given to them in this section:

13 \* \* \*

14 "Dependent child." A child who:

15 (1) is without proper parental care or control,  
16 subsistence, education as required by law, or other care or  
17 control necessary for his physical, mental, or emotional  
18 health, or morals. A determination that there is a lack of

1 proper parental care or control may be based upon evidence of  
2 conduct by the parent, guardian or other custodian that  
3 places the health, safety or welfare of the child at risk,  
4 including evidence of the parent's, guardian's or other  
5 custodian's use of alcohol or a controlled substance that  
6 places the health, safety or welfare of the child at risk;

7 (2) has been placed for care or adoption in violation of  
8 law;

9 (3) has been abandoned by his parents, guardian, or  
10 other custodian;

11 (4) is without a parent, guardian, or legal custodian;

12 (5) while subject to compulsory school attendance is  
13 habitually and without justification truant from school;

14 (6) has committed a specific act or acts of habitual  
15 disobedience of the reasonable and lawful commands of his  
16 parent, guardian or other custodian and who is ungovernable  
17 and found to be in need of care, treatment or supervision;

18 (7) is under the age of ten years and has committed a  
19 delinquent act;

20 (8) has been formerly adjudicated dependent, and is  
21 under the jurisdiction of the court, subject to its  
22 conditions or placements and who commits an act which is  
23 defined as ungovernable in paragraph (6);

24 (9) has been referred pursuant to section 6323 (relating  
25 to informal adjustment), and who commits an act which is  
26 defined as ungovernable in paragraph (6); [or]

27 (10) is born to a parent whose parental rights with  
28 regard to another child have been involuntarily terminated  
29 under 23 Pa.C.S. § 2511 (relating to grounds for involuntary  
30 termination) within three years immediately preceding the

1 date of birth of the child and conduct of the parent poses a  
2 risk to the health, safety or welfare of the child; or  
3 (11) is a newborn and receives a diagnosis of fetal  
4 alcohol syndrome or tests positive for any amount of an  
5 illegal controlled substance, unless the child tests positive  
6 for a controlled substance as a result of the mother's lawful  
7 intake of such substance as prescribed.

8 \* \* \*

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