

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1265 Session of
2010

INTRODUCED BY BOSCOLA, ALLOWAY, COSTA, STACK, FARNESE AND
WASHINGTON, MARCH 10, 2010

REFERRED TO JUDICIARY, MARCH 10, 2010

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in proceedings prior to petition to
3 adopt, further providing for grounds for involuntary
4 termination.

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

7 Section 1. Section 2511(a)(9) of Title 23 of the
8 Pennsylvania Consolidated Statutes is amended and the section is
9 amended by adding a subsection to read:

10 § 2511. Grounds for involuntary termination.

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

14 * * *

15 [(9) The parent has been convicted of one of the
16 following in which the victim was a child of the parent:

17 (i) an offense under 18 Pa.C.S. Ch. 25(relating to
18 criminal homicide);

19 (ii) a felony under 18 Pa.C.S. § 2702(relating to

aggravated assault);

(iii) an offense in another jurisdiction equivalent to an offense in subparagraph (i) or (ii); or

(iv) an attempt, solicitation or conspiracy to commit an offense in subparagraph (i), (ii) or (iii).]

(a.1) Mandatory termination.--The rights of a parent in regard to a child shall be terminated after a petition filed on any of the following grounds is determined by the court to have been proved and a determination is made by the court that the termination is in the best interests of the child:

(1) The parent has been convicted of one of the following in which the victim was a child of the parent or any other child who resided in the parent's household:

(i) An offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

(ii) A felony under any of the following provisions of 18 Pa.C.S.:

(A) Section 2702 (relating to aggravated assault).

(B) Section 3121 (relating to rape).

(C) Section 3122.1 (relating to statutory sexual assault).

(D) Section 3123 (relating to involuntary deviate sexual intercourse).

(E) Section 3124.1 (relating to sexual assault).

(F) Section 3125 (relating to aggravated indecent assault).

(G) Section 3126 (relating to indecent assault).

(H) Section 4304 (relating to endangering welfare of children).

1 (iii) An offense under 18 Pa.C.S. § 3002 (relating
2 to trafficking of persons).

3 (iv) An offense under 18 Pa.C.S. § 4302 (relating to
4 incest).

5 (v) An offense in another jurisdiction equivalent to
6 an offense in subparagraph (i), (ii), (iii) or (iv).

7 (vi) An attempt, solicitation or conspiracy to
8 commit an offense in subparagraph (i), (ii), (iii) or
9 (iv).

10 (2) The parent has been convicted of one of the
11 following in which the victim was the other parent of a child
12 of the parent who has been convicted or either parent of any
13 other child who resided in the household of the parent who
14 has been convicted:

15 (i) An offense under 18 Pa.C.S. Ch. 25 (relating to
16 criminal homicide).

17 (ii) An offense in another jurisdiction equivalent
18 to an offense in subparagraph (i).

19 (iii) An attempt, solicitation or conspiracy to
20 commit an offense in subparagraph (i).

21 (3) Any omission or series of repeated and continuing
22 omissions by the parent in the care of a child of the parent
23 or any other child who resided in the parent's household
24 which results in a life-threatening condition or seriously
25 impairs the child's functioning.

26 (4) A child of the parent or any other child who resided
27 in the parent's household has been the victim of physical
28 abuse resulting in serious bodily injury, sexual violence or
29 aggravated physical neglect by the parent.

30 (5) The parental rights of the parent have been

1 involuntarily terminated with respect to a child of the
2 parent based upon paragraph (1), (2), (3) or (4).

3 * * *

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