

DEC 09 2010

MEMO



Senate of Pennsylvania

December 7, 2010

TO: ALL SENATORS

FROM: Stewart J. Greenleaf *Stewart*

SUBJECT: Cosponsorship -- **Involuntary termination of parental rights**

I am reintroducing **Senate Bill 625**, amending section 2511 of the Adoption Act, Part III of the Domestic Relations Code, Title 23 of the Pennsylvania Consolidated Statutes, to expand the list of criminal offenses which may result in the involuntary termination of parental rights and to add another ground for the involuntary termination of parental rights.

In the case of a dependent child, when by clear and convincing evidence there are aggravating circumstances, section 6341 of the Juvenile Act, Chapter 63 of the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, authorizes a judge to enter an order that the county agency should not attempt to reunify the child with his family. In the event of such an order, an expeditious path to adoption and permanency is created. Section 6302 defines "aggravating circumstances" to include when a parent of the child has been convicted of one of the enumerated serious criminal offense and the victim of the offense was a child.

My legislation makes the list of offenses in section 2511 of the Adoption Act resulting in involuntary termination of parental rights consistent with the list of offenses in the definition of aggravating circumstances. The following crimes are added: rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault and indecent assault.

In addition, a ground for involuntary termination is added when the child has been removed from the care of the parent as ordered by the court or under a voluntary agreement when a court has previously determined that aggravating circumstances exist and reasonable efforts to reunify are not required. This new ground for termination of parental rights recognizes that there is no reason to essentially try the same facts twice, with the same burden of proof, in two separate courtrooms.

The Children's Rights Committee of the Pennsylvania Bar Association recommended this legislation. The committee made the recommendation so that the grounds for termination in the Adoption Act will be more consistent with the provisions of the Juvenile Act relating to aggravated circumstances and the need to attempt reunification. The legislation should assist in achieving permanency for children.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.