

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2177 Session of
1993

INTRODUCED BY FEE, STABACK, HALUSKA, FARMER, JAROLIN, GRUITZA,
TIGUE, SEMMEL, GAMBLE, MIHALICH, HASAY, GEIST, COLAIZZO,
TRICH, FAJT, CAWLEY, GERLACH, COLAFELLA, LAUGHLIN, TRELLO,
MELIO, PISTELLA, LEDERER AND HESS, NOVEMBER 22, 1993

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 22, 1993

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 § 6311. 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.

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

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

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

6 (d) Detention.--

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

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

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

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

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

24 (e) Intent.--The General Assembly hereby declares that every
25 parent or guardian whose child is the subject of a juvenile
26 proceeding under this chapter should attend any such proceeding
27 as often as is practicable.

28 (f) Limitation.--Nothing in this section shall be construed
29 to create a right for any juvenile to have his parent or
30 guardian present at any proceeding at which such juvenile is

1 present.

2 § 6312. Joinder in proceedings.

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

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

21 § 6313. Penalties.

22 (a) General rule.--Except as provided by subsection (b), any
23 person summoned or required to appear as provided in section
24 6312 (relating to joinder in proceedings) who has acknowledged
25 service and fails to appear without reasonable cause may be
26 proceeded against for contempt of court.

27 (b) Detention.--

28 (1) When a parent or other person who signed a written
29 promise to appear and bring the juvenile to court or who has
30 waived or acknowledged service fails to appear with the

1 juvenile on the date set by the court, a bench warrant may be
2 issued for the parent or other person, the juvenile, or both.

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

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

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

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

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

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

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