

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 905 Session of
1995

INTRODUCED BY KREBS, BLAUM, ZUG, GORDNER, TIGUE, McCALL, DeLUCA,
STABACK, YOUNGBLOOD, SATHER, TRELLO, MUNDY, BATTISTO AND
STEELMAN, FEBRUARY 28, 1995

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 28, 1995

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for involuntary
3 termination of parental rights.

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

6 Section 1. Section 2511(a)(5) and (b) of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended and subsection
8 (a) is amended by adding a paragraph to read:

9 § 2511. Grounds for involuntary termination.

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

13 * * *

14 (5) The child has been removed from the care of the
15 parent by the court or under a voluntary agreement with an
16 agency [for a period of at least six months], the conditions
17 which led to the removal or placement of the child continue
18 to exist, the parent [cannot or will not remedy those

1 conditions within a reasonable period of time] has not
2 remedied those conditions within 12 months from the date of
3 removal or placement, the services or assistance reasonably
4 available to the parent [are not likely to remedy] have not
5 remedied the conditions which led to the removal or placement
6 of the child within [a reasonable period of time] 12 months
7 from the date of removal or placement and termination of the
8 parental rights would best serve the needs and welfare of the
9 child.

10 * * *

11 (8) The child has been removed from the care of the
12 parent by the court or under a voluntary agreement with an
13 agency and the child:

14 (i) was in placement for a period of 12 months or
15 longer;

16 (ii) was returned home to the parent; and

17 (iii) was, within 12 months of returning, again
18 removed from the care of the parent by the court or under
19 a voluntary agreement with an agency for similar
20 conditions of abuse, neglect or incapacity.

21 (b) Other considerations.--The court in terminating the
22 rights of a parent shall give primary consideration to the
23 developmental, physical and emotional needs and welfare of the
24 child. The rights of a parent shall not be terminated solely on
25 the basis of environmental factors such as inadequate housing,
26 furnishings, income, clothing and medical care if found to be
27 beyond the control of the parent. With respect to any petition
28 filed pursuant to subsection (a)(1) [or (6)] through (8), the
29 court shall not consider any efforts by the parent to remedy the
30 conditions described therein which are first initiated

1 subsequent to the giving of notice of the filing of the
2 petition.

3 * * *

4 Section 2. Section 2512(a) of Title 23 is amended by adding
5 a paragraph to read:

6 § 2512. Petition for involuntary termination.

7 (a) Who may file.--A petition to terminate parental rights
8 with respect to a child under the age of 18 years may be filed
9 by any of the following:

10 * * *

11 (4) The child, represented by an attorney, if the child
12 has been adjudicated dependent under 42 Pa.C.S. § 6341(c)
13 (relating to adjudication).

14 * * *

15 Section 3. This act shall take effect in 60 days.