

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2439 Session of
1998

INTRODUCED BY KREBS, BELARDI, McCALL, CARONE, MASLAND, DeLUCA,
TIGUE, DALEY, M. COHEN, HENNESSEY, S. H. SMITH, MILLER,
LAUGHLIN, YOUNGBLOOD AND STEELMAN, MARCH 23, 1998

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 23, 1998

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for involuntary termination of
4 parental rights in certain child dependency cases and for the
5 determination of child dependency.

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

8 Section 1. Section 2511(a) of Title 23 of the Pennsylvania
9 Consolidated Statutes is amended by adding a paragraph 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 is the father or the mother of a child
16 determined to be a dependent child as defined in paragraph
17 (10) of the definition of "dependent child" in 42 Pa.C.S. §
18 6302 (relating to definitions), which determination of
19 dependency creates a rebuttable presumption that the parent

1 is unable to provide essential parental care and that such
2 inability is sufficient grounds to terminate the parental
3 rights of that parent. The affected parent has the burden of
4 proving by clear and convincing evidence that that parent is
5 able to provide essential parental care.

6 * * *

7 Section 2. The definition of "dependent child" in section
8 6302 of Title 42 is 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;

19 (2) has been placed for care or adoption in violation of
20 law;

21 (3) has been abandoned by his parents, guardian, or
22 other custodian;

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

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

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

30 (7) is under the age of ten years and has committed a

1 delinquent act;

2 (8) has been formerly adjudicated dependent, and is
3 under the jurisdiction of the court, subject to its
4 conditions or placements and who commits an act which is
5 defined as ungovernable in paragraph (6); [or]

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

9 (10) is born to a parent whose parental rights for
10 another child have been involuntarily terminated on any
11 ground under 23 Pa.C.S. § 2511(a) (relating to grounds for
12 involuntary termination) within three calendar years
13 immediately preceding the date of birth of this child.

14 * * *

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