

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2652 Session of  
1998

INTRODUCED BY CASORIO, M. COHEN, GIGLIOTTI, TANGRETTI, OLASZ,  
PISTELLA, WOJNAROSKI, MELIO, HARHAI, M. N. WRIGHT, ARGALL,  
TIGUE, STABACK, HALUSKA, DALEY, LEDERER, PLATTS, YEWCIC,  
STERN, CORRIGAN, ROBINSON, McCALL, SEYFERT, WALKO, RAMOS,  
CORPORA, CIVERA, STEELMAN, THOMAS AND WASHINGTON,  
JUNE 2, 1998

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 2, 1998

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 parental or guardian attendance at juvenile hearings.

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

6 Section 1. Section 1523 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 1523. Parental or legal guardian attendance required at  
9 [juvenile] hearings relating to minor defendants.

10 (a) Order to attend.--In summary proceedings [before a  
11 district justice or judge of the minor judiciary] involving any  
12 individual who is under 18 years of age and is not emancipated,  
13 the district justice [or judge of the minor judiciary may, when  
14 the district justice or judge of the minor judiciary] shall, if  
15 he determines that it is in the best interest of the child,  
16 issue an order specifically requiring the parent or legal

1 guardian or other person with whom the child resides, if other  
2 than the parent or guardian, to be present and ready to  
3 participate in the proceedings with the juvenile. No later than  
4 ten days before such proceedings, the district justice or judge  
5 of the minor judiciary shall send a notice of the order to the  
6 parent or legal guardian or person with whom the child resides  
7 if other than the parent or guardian. Nothing in this subsection  
8 shall be construed to vest in either the individual who is under  
9 18 years of age and is not emancipated to require participation  
10 under this subsection or the parent, legal guardian or other  
11 person with whom such individual resides the right to  
12 participate under this subsection.

13 (b) Contempt.--A person failing to comply with an order of  
14 participation may be found in contempt of court as outlined in  
15 section 4137 (relating to contempt powers of district justices).

16 (c) Bench warrant.--The district justice or judge of the  
17 minor judiciary shall issue a bench warrant for any parent,  
18 guardian or person with whom the child resides, if other than  
19 the parent or guardian, who fails to appear at any proceedings.  
20 The district justice or judge of the minor judiciary may waive  
21 any fine or other punishment if the person is found to be  
22 present and ready to participate in the proceedings with the  
23 juvenile after a bench warrant is issued.

24 (d) Definition.--As used in this section, the term "district  
25 justice" includes a judge of the minor judiciary.

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