

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1211 Session of
2009

INTRODUCED BY EACHUS, YUDICHAK, WANSACZ, BOBACK, BRADFORD,
BRENNAN, BRIGGS, BUXTON, CALTAGIRONE, CARROLL, D. COSTA,
DALLY, GOODMAN, GRUCELA, HARHAI, HARKINS, HORNAMAN, KORTZ,
KULA, LENTZ, MAHONEY, MANDERINO, MCGEEHAN, MENSCH, MILNE,
MUNDY, MURPHY, PARKER, PASHINSKI, PAYTON, RAPP, SABATINA,
SCAVELLO, SIPTROTH, K. SMITH, JOHNSON AND BEYER,
APRIL 7, 2009

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 7, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further providing for right to counsel.

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

6 Section 1. Section 6337 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6337. Right to counsel.

9 Except as provided in section 6311 (relating to guardian ad
10 litem for child in court proceedings), a party is entitled to
11 representation by legal counsel at all stages of any proceedings
12 under this chapter and if he is without financial resources or
13 otherwise unable to employ counsel, to have the court provide
14 counsel for him. If a party appears without counsel the court
15 shall ascertain whether he knows of his right thereto and to be
16 provided with counsel by the court if applicable. The court may

1 continue the proceeding to enable a party to obtain counsel.
2 Counsel must be provided for a child. [unless his parent,
3 guardian, or custodian is present in court and affirmatively
4 waive it. However, the parent, guardian, or custodian may not
5 waive counsel for a child when their interest may be in conflict
6 with the interest or interests of the child.] If the interests
7 of two or more parties may conflict, separate counsel shall be
8 provided for each of them.

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