

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, MCGEEHAN, MENSCH, MILNE, MUNDY, MURPHY,
PARKER, PASHINSKI, PAYTON, RAPP, SABATINA, SCAVELLO,
SIPTROTH, K. SMITH, JOHNSON, BEYER, VULAKOVICH, BELFANTI,
MELIO, YOUNGBLOOD, GIBBONS, JOSPEH AND FREEMAN, APRIL 7, 2009

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 5, 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, OTHER THAN A CHILD, appears without
15 counsel the court shall ascertain whether he knows of his right



1 thereto and to be provided with counsel by the court if
2 applicable. IF A PARTY WHO IS A CHILD APPEARS WITHOUT COUNSEL,
3 THE COURT SHALL ASCERTAIN WHETHER THE CHILD IS WITHOUT FINANCIAL
4 RESOURCES OR OTHERWISE UNABLE TO EMPLOY COUNSEL, IN WHICH CASE
5 THE COURT SHALL APPOINT LEGAL COUNSEL TO REPRESENT THE CHILD.

6 The court may continue the proceeding to enable a party to
7 obtain counsel. Counsel must be provided for a child~~z~~ [unless
8 his parent, guardian, or custodian is present in court and
9 affirmatively waive it. However, the parent, guardian, or
10 custodian may not waive counsel for a child when their interest
11 may be in conflict with the interest or interests of the
12 child.], AND COUNSEL FOR THE CHILD CANNOT BE WAIVED AT ANY STAGE
13 OF THE PROCEEDING UNDER THIS CHAPTER. If the interests of two or
14 more parties may conflict, separate counsel shall be provided
15 for each of them.

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