

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1191 Session of
2010

INTRODUCED BY VANCE, MENSCH, LEACH, BAKER, WARD, ALLOWAY,
BOSCOLA, BROWNE, EARLL, FOLMER, FONTANA, LOGAN, MUSTO, O'PAKE
AND ORIE, FEBRUARY 1, 2010

REFERRED TO JUDICIARY, FEBRUARY 1, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further defining "dependent child."

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

6 Section 1. The definition of "dependent child" in section
7 6302 of Title 42 of the Pennsylvania Consolidated Statutes is
8 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. A determination that there is a lack of

proper parental care or control may be based upon evidence of conduct by the parent, guardian or other custodian that places the health, safety or welfare of the child at risk, including evidence of the parent's, guardian's or other custodian's use of alcohol or a controlled substance that places the health, safety or welfare of the child at risk;

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

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

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

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

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

(7) is under the age of ten years and has committed a delinquent act;

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

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

(10) is born to a parent whose parental rights with regard to another child have been involuntarily terminated under 23 Pa.C.S. § 2511 (relating to grounds for involuntary termination) within three years immediately preceding the

1 date of birth of the child and conduct of the parent poses a
2 risk to the health, safety or welfare of the child; or
3 (11) is a newborn and receives a diagnosis of fetal
4 alcohol syndrome or tests positive for any amount of an
5 illegal controlled substance, unless the child tests positive
6 for a controlled substance as a result of the mother's lawful
7 intake of such substance as prescribed.

8 * * *

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