

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 815 Session of 2011

INTRODUCED BY BAKER, YUDICHAK, ARGALL, BROWNE, COSTA, ERICKSON,
 FERLO, FONTANA, GREENLEAF, McILHINNEY, RAFFERTY, SMUCKER,
 WASHINGTON, WOZNIAK, YAW AND ORIE, MARCH 11, 2011

REFERRED TO JUDICIARY, MARCH 11, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, further providing for
 3 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 herein and in section 6311 (relating to
 10 guardian ad litem for child in court proceedings), a party is
 11 entitled to representation by legal counsel at all stages of any
 12 proceedings under this chapter and if he is without financial
 13 resources or otherwise unable to employ counsel, to have the
 14 court provide counsel for him. Although a child alleged to be
 15 delinquent may appear with counsel at the intake conference
 16 conducted by a juvenile probation officer following the
 17 submission of a written allegation, counsel is not mandatory at
 18 this proceeding. If a party other than a child appears at a

1 hearing without counsel the court shall ascertain whether he
2 knows of his right thereto and to be provided with counsel by
3 the court if applicable. The court may continue the proceeding
4 to enable a party to obtain counsel. Counsel must be provided
5 for a child [unless his parent, guardian, or custodian is
6 present in court and affirmatively waive it. However, the
7 parent, guardian, or custodian may not waive counsel for a child
8 when their interest may be in conflict with the interest or
9 interests of the child.] who appears at a hearing without
10 counsel, and counsel for the child cannot be waived. If the
11 interests of two or more parties may conflict, separate counsel
12 shall be provided for each of them.

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