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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 91 Session of  
2013

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INTRODUCED BY BOSCOLA, HUGHES, TARTAGLIONE, WAUGH, FARNESE,  
SOLOBAY, STACK, ALLOWAY AND VULAKOVICH, JANUARY 9, 2013

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REFERRED TO JUDICIARY, JANUARY 9, 2013

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in proceedings prior to petition to  
3 adopt, further providing for grounds for involuntary  
4 termination.

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

7 Section 1. Section 2511(a)(9) of Title 23 of the  
8 Pennsylvania Consolidated Statutes is amended and the section is  
9 amended by adding a subsection to read:

10 § 2511. Grounds for involuntary termination.

11 (a) General rule.--The rights of a parent in regard to a  
12 child may be terminated after a petition filed on any of the  
13 following grounds:

14 \* \* \*

15 [(9) The parent has been convicted of one of the  
16 following in which the victim was a child of the parent:

17 (i) an offense under 18 Pa.C.S. Ch. 25 (relating to  
18 criminal homicide);

19 (ii) a felony under 18 Pa.C.S. § 2702 (relating to

1 aggravated assault);

2 (iii) an offense in another jurisdiction equivalent  
3 to an offense in subparagraph (i) or (ii); or

4 (iv) an attempt, solicitation or conspiracy to  
5 commit an offense in subparagraph (i), (ii) or (iii).]

6 (a.1) Mandatory termination.--The rights of a parent in  
7 regard to a child shall be terminated after a petition filed on  
8 any of the following grounds is determined by the court to have  
9 been proved and a determination is made by the court that the  
10 termination is in the best interests of the child:

11 (1) The parent has been convicted of one of the  
12 following in which the victim was a child of the parent or  
13 any other child who resided in the parent's household:

14 (i) An offense under 18 Pa.C.S. Ch. 25 (relating to  
15 criminal homicide).

16 (ii) A felony under any of the following provisions  
17 of 18 Pa.C.S.:

18 Section 2702 (relating to aggravated assault).

19 Section 3121 (relating to rape).

20 Section 3122.1 (relating to statutory sexual  
21 assault).

22 Section 3123 (relating to involuntary deviate sexual  
23 intercourse).

24 Section 3124.1 (relating to sexual assault).

25 Section 3125 (relating to aggravated indecent  
26 assault).

27 Section 3126 (relating to indecent assault).

28 Section 4304 (relating to endangering welfare of  
29 children).

30 (iii) An offense under 18 Pa.C.S. § 3002 (relating

1 to trafficking of persons).

2 (iv) An offense under 18 Pa.C.S. § 4302 (relating to  
3 incest).

4 (v) An offense in another jurisdiction equivalent to  
5 an offense in subparagraph (i), (ii), (iii) or (iv).

6 (vi) An attempt, solicitation or conspiracy to  
7 commit an offense in subparagraph (i), (ii), (iii) or  
8 (iv).

9 (2) The parent has been convicted of one of the  
10 following in which the victim was the other parent of a child  
11 of the parent who has been convicted or either parent of any  
12 other child who resided in the household of the parent who  
13 has been convicted:

14 (i) An offense under 18 Pa.C.S. Ch. 25 (relating to  
15 criminal homicide).

16 (ii) An offense in another jurisdiction equivalent  
17 to an offense in subparagraph (i).

18 (iii) An attempt, solicitation or conspiracy to  
19 commit an offense in subparagraph (i) or (ii).

20 (3) Any omission or series of repeated and continuing  
21 omissions by the parent in the care of a child of the parent  
22 or any other child who resided in the parent's household  
23 which results in a life-threatening condition or seriously  
24 impairs the child's functioning.

25 (4) A child of the parent or any other child who resided  
26 in the parent's household has been the victim of physical  
27 abuse resulting in serious bodily injury, sexual violence or  
28 aggravated physical neglect by the parent.

29 (5) The parental rights of the parent have been  
30 involuntarily terminated with respect to a child of the

1 parent based upon paragraph (1), (2), (3) or (4).

2 \* \* \*

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