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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 243 Session of  
2017

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INTRODUCED BY TALLMAN, MILLARD, MURT, KNOWLES, KAUFFMAN,  
READSHAW, KORTZ AND D. COSTA, JANUARY 31, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2017

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AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in proceedings prior to petition to adopt, further  
4 providing for grounds for involuntary termination; and, in  
5 juvenile matters, further providing for disposition of  
6 dependent child.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 2511(a) of Title 23 of the Pennsylvania  
10 Consolidated Statutes is amended by adding a paragraph to read:  
11 § 2511. Grounds for involuntary termination.

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

15 \* \* \*

16 (12) The repeated and continued abuse of alcohol or a  
17 controlled substance by the parent has placed the health,  
18 safety or welfare of the child at risk and the abuse of  
19 alcohol or a controlled substance cannot or will not be  
20 remedied by the parent.

1 \* \* \*

2 Section 2. Section 6351(f.2) of Title 42 is amended and  
3 subsection (f) is amended by adding a paragraph to read:

4 § 6351. Disposition of dependent child.

5 \* \* \*

6 (f) Matters to be determined at permanency hearing.--At each  
7 permanency hearing, a court shall determine all of the  
8 following:

9 \* \* \*

10 (6.1) Whether the use of alcohol or a controlled  
11 substance by the parent places the health, safety or welfare  
12 of the child at risk.

13 \* \* \*

14 (f.2) Evidence.--

15 (1) Evidence of conduct by the parent that places the  
16 health, safety or welfare of the child at risk, including  
17 evidence of the use of alcohol or a controlled substance that  
18 places the health, safety or welfare of the child at risk,  
19 shall be presented to the court by the county agency or any  
20 other party at any disposition or permanency hearing whether  
21 or not the conduct was the basis for the determination of  
22 dependency. The failure of a drug test requested by the  
23 county agency or the refusal to participate in a drug test  
24 requested by the county agency shall constitute prima facie  
25 evidence of the use of alcohol or a controlled substance that  
26 places the health, safety or welfare of the child at risk.

27 (2) When used in this subsection, the term "drug test"  
28 shall mean a urinalysis, blood test or another scientific  
29 study of an individual's body which has been conclusively  
30 found to detect the presence of alcohol or the presence or

1 prior use of an illegal drug or substance, and for which the  
2 accuracy has been accepted in the scientific community.

3 \* \* \*

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