
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1125 Session of
2023

INTRODUCED BY KEEFER, TOPPER, HAMM, KAUFFMAN, GALLOWAY, ROWE,
ZIMMERMAN, LEADBETER AND SCIALABBA, MAY 5, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MAY 5, 2023

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in child protective services, further providing for
4 definitions; and, in juvenile matters, further providing for
5 definitions.

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

8 Section 1. Section 6303(b.1) of Title 23 of the Pennsylvania
9 Consolidated Statutes is amended by adding a paragraph to read:

10 § 6303. Definitions.

11 * * *

12 (b.1) Child abuse.--The term "child abuse" shall mean
13 intentionally, knowingly or recklessly doing any of the
14 following:

15 * * *

16 (11) Causing a child to be born with fetal alcohol
17 spectrum disorder or to test positive at birth for a
18 controlled substance for which the biological mother did not,
19 during the pregnancy, have a valid prescription or a

1 certification under section 403 of the act of April 17, 2016
2 (P.L.84, No.16), known as the Medical Marijuana Act.

3 * * *

4 Section 2. The definition of "dependent child" in section
5 6302 of Title 42 is amended to read:

6 § 6302. Definitions.

7 The following words and phrases when used in this chapter
8 shall have, unless the context clearly indicates otherwise, the
9 meanings given to them in this section:

10 * * *

11 "Dependent child." A child who:

12 (1) is without proper parental care or control,
13 subsistence, education as required by law, or other care or
14 control necessary for his physical, mental, or emotional
15 health, or morals. A determination that there is a lack of
16 proper parental care or control may be based upon evidence of
17 conduct by the parent, guardian or other custodian that
18 places the health, safety or welfare of the child at risk,
19 including evidence of the parent's, guardian's or other
20 custodian's use of alcohol or a controlled substance that
21 places the health, safety or welfare of the child at risk;

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

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

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

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

29 (6) has committed a specific act or acts of habitual
30 disobedience of the reasonable and lawful commands of his

1 parent, guardian or other custodian and who is ungovernable
2 and found to be in need of care, treatment or supervision;

3 (7) has committed a delinquent act or crime, other than
4 a summary offense, while under the age of ten years;

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

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

12 (10) is born to a parent whose parental rights with
13 regard to another child have been involuntarily terminated
14 under 23 Pa.C.S. § 2511 (relating to grounds for involuntary
15 termination) within three years immediately preceding the
16 date of birth of the child and conduct of the parent poses a
17 risk to the health, safety or welfare of the child[.]; or

18 (11) is born with fetal alcohol spectrum disorder or
19 tests positive at birth for a controlled substance for which
20 the biological mother did not, during the pregnancy, have a
21 valid prescription or a certification under section 403 of
22 the act of April 17, 2016 (P.L.84, No.16), known as the
23 Medical Marijuana Act.

24 * * *

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