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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 339 Session of  
2013

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INTRODUCED BY TALLMAN, GROVE, KAUFFMAN, KORTZ, LAWRENCE, MILLER,  
MOUL, MURT, PICKETT, ROCK, SWANGER, TOOHIL AND WATSON,  
JANUARY 24, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 24, 2013

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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 (10) 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

1 remedied by the parent.

2 \* \* \*

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

5 § 6351. Disposition of dependent child.

6 \* \* \*

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

10 \* \* \*

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

14 \* \* \*

15 (f.2) Evidence.--

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

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

1 found to detect the presence of alcohol or the presence or  
2 prior use of an illegal drug or substance and for which the  
3 accuracy has been accepted in the scientific community.

4 \* \* \*

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