



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 62 Printer's No. 43

Prime Sponsor: Senator Greenleaf
Committee: Judiciary

SYNOPSIS:

This bill amends Title 23 (Domestic Relations), Title 42 (Judiciary and Judicial Procedure) and Title 44 (Law and Justice) to address the needs of children of incarcerated parents and services available to them.

SUMMARY:

This bill clarifies that parental rights may not be terminated solely because a parent is incarcerated. The grounds for the involuntary termination of parental rights currently include the "repeated and continued incapacity" of a parent. In the case of a newborn child, parental rights may be terminated involuntarily if the parent does not live with the newborn, has reason to know of the child's birth, has not married the child's parent, has failed to make substantial contact with the child, and has failed to provide financial support to the child. Courts have reached differing conclusions about whether incarceration necessarily leads to "continued incapacity" and precludes "substantial contact" with the child. This bill clarifies that incarceration does not necessarily lead to involuntary termination of parental rights.

During permanency hearings, a court must make a number of determinations about a dependent child, including the determination whether to approve a qualified family to adopt the child. This bill clarifies that the court may consider parental incarceration and the efforts made by the incarcerated parent to maintain a meaningful relationship with the child.

Finally, this bill establishes training and guidelines to ensure child safety upon the arrest of a parent.

EFFECTIVE DATE: This bill is effective in sixty days.

BILL HISTORY:

None.

Prepared by: Cawley 1/19/2017