

## AMENDMENTS TO HOUSE BILL NO. 1603

Sponsor: SENATOR GREENLEAF

Printer's No. 2544

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Relations)"

5 and 42 (Judiciary and Judicial Procedure)

6 Amend Bill, page 1, line 2, by inserting after "Statutes,"

7 providing for sex trafficking and missing and abducted

8 children;

9 Amend Bill, page 1, line 9, by striking out the semicolon

10 after "provisions"

11 Amend Bill, page 1, line 10, by striking out the period after

12 "convention" and inserting

13 ; and, in juvenile matters, further providing for definitions

14 and for disposition of dependent children.

15 Amend Bill, page 1, lines 13 and 14, by striking out all of

16 said lines and inserting

17 Section 1. Title 23 of the Pennsylvania Consolidated

18 Statutes is amended by adding a chapter to read:

19 CHAPTER 57

20 SEX TRAFFICKING AND MISSING AND ABDUCTED CHILDREN

21 Sec.

22 5701. Definitions.

23 5702. County responsibilities.

24 5703. Law enforcement responsibilities.

25 § 5701. Definitions.

26 The following words and phrases when used in this chapter  
27 shall have the meanings given to them in this section unless the  
28 context clearly indicates otherwise:

29 "Child." An individual who is under 21 years of age and  
30 meets one of the following:

1       (1) The county agency is conducting an assessment of the  
2       need for services.

3       (2) The county agency is conducting an investigation of  
4       suspected child abuse of the child under Chapter 63 (relating  
5       to child protective services).

6       (3) The county agency is providing services to the  
7       child.

8       "County agency." As defined in section 6303 (relating to  
9       definitions).

10       "Department." The Department of Human Services of the  
11       Commonwealth.

12       "Law enforcement." The law enforcement agency which is  
13       responsible for investigating cases of missing children under 18  
14       Pa.C.S. § 2908 (relating to missing children).

15       "Sex trafficking victim." As defined under section 475 of  
16       the Social Security Act (49 Stat. 620, 42 U.S.C. § 675).  
17       § 5702. County responsibilities.

18       (a) Report of possible sex trafficking victims.--A county  
19       agency shall report to law enforcement as soon as practicable,  
20       but in no case later than 24 hours after receiving information  
21       about a child who:

22       (1) the county agency has reasonable cause to suspect of  
23       being at risk of being a sex trafficking victim; or

24       (2) the county agency identifies as being a sex  
25       trafficking victim.

26       (b) Child missing from residence or abducted.--A county  
27       agency shall report to law enforcement and to the National  
28       Center for Missing and Exploited Children as soon as practicable  
29       but no later than 24 hours after receiving information about a  
30       child who is missing from the child's residence or is abducted.

31       (c) Report to department.--The county agency shall report  
32       annually to the department the total number of children who are  
33       sex trafficking victims. The report shall be submitted in the  
34       form and by the deadline prescribed by the department.  
35       § 5703. Law enforcement responsibilities.

36       When law enforcement receives information from a county  
37       agency about a child who is missing from the child's residence  
38       or is abducted under section 5702(b) (relating to county  
39       responsibilities), law enforcement shall enter the information  
40       into the National Crime Information Center database.

41       Section 2. Section 7101 of Title 23 is amended to read:

42       Amend Bill, page 5, line 12, by striking out "2" and  
43       inserting

44       3

45       Amend Bill, page 10, line 8, by striking out "3" and  
46       inserting

47       4

1 Amend Bill, page 10, line 12, by striking out "4" and  
2 inserting  
3 5  
4 Amend Bill, page 11, line 25, by striking out "5" and  
5 inserting  
6 6  
7 Amend Bill, page 13, line 2, by striking out "6" and  
8 inserting  
9 7  
10 Amend Bill, page 13, line 17, by striking out "7" and  
11 inserting  
12 8  
13 Amend Bill, page 13, line 29, by striking out "8" and  
14 inserting  
15 9  
16 Amend Bill, page 14, line 4, by striking out "9" and  
17 inserting  
18 10  
19 Amend Bill, page 21, line 23, by striking out "10" and  
20 inserting  
21 11  
22 Amend Bill, page 23, line 1, by striking out "11" and  
23 inserting  
24 12  
25 Amend Bill, page 35, line 22, by striking out "12" and  
26 inserting  
27 13  
28 Amend Bill, page 35, line 27, by striking out "13" and  
29 inserting  
30 14  
31 Amend Bill, page 37, line 6, by striking out "14" and

1 inserting  
2 15  
3 Amend Bill, page 37, line 12, by striking out "15" and  
4 inserting  
5 16  
6 Amend Bill, page 37, line 17, by striking out "16" and  
7 inserting  
8 17  
9 Amend Bill, page 38, line 30, by striking out "17" and  
10 inserting  
11 18  
12 Amend Bill, page 39, line 5, by striking out "18" and  
13 inserting  
14 19  
15 Amend Bill, page 39, line 10, by striking out "19" and  
16 inserting  
17 20  
18 Amend Bill, page 45, line 29, by striking out "20" and  
19 inserting  
20 21  
21 Amend Bill, page 46, line 4, by striking out "21" and  
22 inserting  
23 22  
24 Amend Bill, page 50, line 5, by striking out "22" and  
25 inserting  
26 23  
27 Amend Bill, page 51, line 14, by striking out "23" where it  
28 occurs the first time and inserting  
29 24  
30 Amend Bill, page 51, line 29, by striking out "24" and  
31 inserting

25

Amend Bill, page 63, line 18, by striking out "25" and  
inserting

26

Amend Bill, page 64, line 19, by striking out "26" and  
inserting

27

Amend Bill, page 64, line 27, by striking out "27" and  
inserting

28

Amend Bill, page 65, by inserting between lines 11 and 12

Section 29. Section 6302 of Title 42 is amended by adding  
definitions to read:

§ 6302. Definitions.

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

"Age-appropriate or developmentally appropriate." The  
following:

(1) activities or items that are generally accepted as  
suitable for children of the same chronological age or level  
of maturity or that are determined to be developmentally  
appropriate for a child based on the development of  
cognitive, emotional, physical and behavioral capacities that  
are typical for an age or age group; and

(2) in the case of a specific child, activities or items  
that are suitable for the child based on the developmental  
stages attained by the child with respect to the cognitive,  
emotional, physical and behavioral capacities of the child.

\* \* \*

"Caregiver." A person with whom the child is placed in an  
out-of-home placement, including a resource family or an  
individual designated by a county agency or private agency. The  
resource family is the caregiver for any child placed with them.

\* \* \*

"Out-of-home placement." A setting that provides 24-hour  
substitute care for a child away from the child's parents or  
guardians and for whom the county agency has placement care and  
responsibility. The term includes resource family homes and  
supervised settings in which a child is living and, for a child  
who has attained 18 years of age, a supervised setting in which  
the individual is living independently. The term does not  
include secure facilities, facilities operated primarily for the  
detention of children who have been adjudicated delinquent,

1 accredited psychiatric residential treatment facilities or  
2 hospitals.

3 "Private agency." An entity that provides out-of-home  
4 placement services to children under a contract with a county  
5 agency.

6 \* \* \*

7 "Reasonable and prudent parent standard." The standard,  
8 characterized by careful and sensible parental decisions that  
9 maintain the health, safety and best interests of a child while  
10 encouraging the emotional and developmental growth of the child,  
11 that a caregiver must use when determining whether to allow a  
12 child in an out-of-home placement under the responsibility of  
13 the county agency to participate in extracurricular, enrichment,  
14 cultural and social activities.

15 "Resource family." As defined under section 3 of the act of  
16 November 22, 2005 (P.L.404, No.73), known as the Resource Family  
17 Care Act.

18 \* \* \*

19 Section 30. Section 6351(e)(1), (f)(8) and (f.1)(5) of Title  
20 42 are amended and subsection (f) is amended by adding a  
21 paragraph to read:

22 § 6351. Disposition of dependent child.

23 \* \* \*

24 (e) Permanency hearings.--

25 (1) The court shall conduct a permanency hearing for the  
26 purpose of determining or reviewing the permanency plan of  
27 the child, the date by which the goal of permanency for the  
28 child might be achieved and whether placement continues to be  
29 best suited to the safety, protection and physical, mental  
30 and moral welfare of the child. In any permanency hearing  
31 held with respect to the child, the court shall consult with  
32 the child regarding the child's permanency plan, including  
33 the child's desired permanency goal, in a manner appropriate  
34 to the child's age and maturity. If the court does not  
35 consult personally with the child, the court shall ensure  
36 that the views of the child regarding the permanency plan  
37 have been ascertained to the fullest extent possible and  
38 communicated to the court by the guardian ad litem under  
39 section 6311 (relating to guardian ad litem for child in  
40 court proceedings) or, as appropriate to the circumstances of  
41 the case by the child's counsel, the court-appointed special  
42 advocate or other person as designated by the court.

43 \* \* \*

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

47 \* \* \*

48 (8) The services needed to assist a child who is [16] 14  
49 years of age or older to make the transition to [independent  
50 living] successful adulthood.

51 \* \* \*

1       (12) If the child has been placed with a caregiver,  
2 whether the child is being provided with regular, ongoing  
3 opportunities to participate in age-appropriate or  
4 developmentally appropriate activities. In order to make the  
5 determination under this paragraph, the county agency shall  
6 document the steps it has taken to ensure that:

7       (i) the caregiver is following the reasonable and  
8 prudent parent standard; and

9       (ii) the child has regular, ongoing opportunities to  
10 engage in age-appropriate or developmentally appropriate  
11 activities. The county agency shall consult with the  
12 child regarding opportunities to engage in such  
13 activities.

14       (f.1) Additional determination.--Based upon the  
15 determinations made under subsection (f) and all relevant  
16 evidence presented at the hearing, the court shall determine one  
17 of the following:

18       \* \* \*

19       (5) If and when the child will be placed in another  
20 planned permanent living arrangement [intended to be  
21 permanent in nature] which is approved by the court [in cases  
22 where the county agency has documented a compelling reason  
23 that it would not be best suited to the safety, protection  
24 and physical, mental and moral welfare of the child to be  
25 returned to the child's parent, guardian or custodian, to be  
26 placed for adoption, to be placed with a legal custodian or  
27 to be placed with a fit and willing relative.], the following  
28 shall apply:

29       (i) The child must be 16 years of age or older.

30       (ii) The county agency shall identify at least one  
31 significant connection with a supportive adult willing to  
32 be involved in the child's life as the child transitions  
33 to adulthood, or document that efforts have been made to  
34 identify a supportive adult.

35       (iii) The county agency shall document:

36       (A) A compelling reason that it would not be  
37 best suited to the safety, protection and physical,  
38 mental and moral welfare of the child to be returned  
39 to the child's parent, guardian or custodian, to be  
40 placed for adoption, to be placed with a legal  
41 custodian or to be placed with a fit and willing  
42 relative.

43       (B) Its intensive, ongoing and, as of the date  
44 of the hearing, unsuccessful efforts to return the  
45 child to the child's parent, guardian or custodian or  
46 to be placed for adoption, to be placed with a legal  
47 custodian or to be placed with a fit and willing  
48 relative.

49       (C) Its efforts to utilize search technology to  
50 find biological family members for the child.

51       (iv) The court shall:

1           (A) Ask the child about the desired permanency  
2           goal for the child.

3           (B) Make a judicial determination explaining  
4           why, as of the date of the hearing, another planned  
5           permanent living arrangement is the best permanency  
6           plan for the child.

7           (C) Provide compelling reasons why it continues  
8           not to be in the best interests of the child to  
9           return to the child's parent, guardian or custodian,  
10           be placed for adoption, be placed with a legal  
11           custodian or be placed with a fit and willing  
12           relative.

13           (D) Make findings that the significant  
14           connection is identified in the permanency plan or  
15           that efforts have been made to identify a supportive  
16           adult, if no one is currently identified.

17           \* \* \*

18           Section 31. The Department of Human Services of the  
19 Commonwealth shall conduct a study to analyze and make  
20 recommendations on the permanency goal of another planned  
21 permanent living arrangement for children 16 years of age or  
22 older. The following apply:

23           (1) The study shall include recommendations on all of  
24 the following:

25           (i) Strategies to reduce the use of or eliminate the  
26 use of the permanency goal of another planned permanent  
27 living arrangement.

28           (ii) Other permanency goal options for children.

29           (iii) Expected outcomes for children by the  
30 reduction of or the elimination of another planned  
31 permanent living arrangement as a permanency goal.

32           (iv) A timeline to achieve the strategies set forth  
33 under subparagraph (i).

34           (2) In conducting the study, the Department of Human  
35 Services shall convene a work group to receive feedback on  
36 the potential reduction or elimination of the permanency goal  
37 of another planned permanent living arrangement. The work  
38 group shall include representatives from the juvenile court,  
39 guardians ad litem, parent attorneys, county agencies,  
40 private children and youth social service agencies,  
41 children's advocacy organizations, the Pennsylvania Youth  
42 Advisory Board and other appropriate stakeholders as  
43 determined by the Secretary of Human Services.

44           (3) The Department of Human Services shall, within four  
45 months of enactment of this section, report the study's  
46 findings and make its recommendations to:

47           (i) The chairperson and minority chairperson of the  
48 Judiciary Committee of the Senate.

49           (ii) The chairperson and minority chairperson of the  
50 Aging and Youth Committee of the Senate.

51           (iii) The chairperson and minority chairperson of



1 the Judiciary Committee of the House of Representatives.  
2 (iv) The chairperson and minority chairperson of the  
3 Children and Youth Committee of the House of  
4 Representatives.

5 Amend Bill, page 65, line 12, by striking out "28" and  
6 inserting

7 32

8 Amend Bill, page 65, line 12, by striking out "immediately."  
9 and inserting

10 as follows:

11 (1) The following shall take effect January 1, 2016, or  
12 immediately, whichever is later:

13 (i) The addition of 23 Pa.C.S. Ch. 57.

14 (ii) The amendment or addition of 42 Pa.C.S. §§ 6302  
15 and 6351(e)(1), (f)(8) and (12) and (f.1)(5).

16 (2) The remainder of this act shall take effect  
17 immediately.