

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 127 Session of
2005

INTRODUCED BY SATHER, HESS, GEIST, BAKER, BALDWIN, BASTIAN,
BUNT, CAPPELLI, CRAHALLA, DENLINGER, DeWEESE, FABRIZIO,
GINGRICH, HARHART, HARRIS, HENNESSEY, HERMAN, HERSHEY,
HICKERNELL, KIRKLAND, LEACH, LEDERER, MANN, MCGILL, METCALFE,
R. MILLER, S. MILLER, MUNDY, O'NEILL, PHILLIPS, PISTELLA,
REICHLEY, ROSS, SAYLOR, SCAVELLO, SCHRODER, E. Z. TAYLOR,
TIGUE, WALKO, WASHINGTON, WATSON, WILT, STERN, HARPER,
SEMMELE, THOMAS, YOUNGBLOOD, PALLONE, JOSEPHS, BROWNE, TRUE,
M. KELLER, SAMUELSON, PICKETT, MYERS AND MELIO,
JANUARY 31, 2005

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, OCTOBER 25, 2005

AN ACT

1 Providing for certain rights of ~~foster~~ RESOURCE parents; and <—
2 further providing for duties of county agencies and ~~foster~~ <—
3 ~~family care~~ PRIVATE agencies. <—

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the ~~Foster Parent~~ <—
8 ~~Consideration~~ RESOURCE FAMILY AND ADOPTION PROCESS Act. <—

9 ~~Section 2. Legislative findings and declaration of policy.~~ <—

10 ~~(a) Findings. The General Assembly hereby finds as follows:~~

11 ~~(1) Foster parents provide an invaluable transitional~~
12 ~~resource for children whose lives have been disrupted and are~~
13 ~~in crisis.~~

1 ~~(2) Foster parents are often an excellent adoptive~~
2 ~~resource and, if they are interested, should be afforded~~
3 ~~consideration as an adoptive resource when a child's goal has~~
4 ~~been changed to adoption.~~

5 ~~(3) Of the children adopted in Pennsylvania during 2003,~~
6 ~~63.7% were adopted by their foster parent or parents.~~

7 ~~(4) Aside from psychological bonding with a foster~~
8 ~~parent, other critical factors must also be taken into~~
9 ~~account when placing children for adoption, such as~~
10 ~~preserving sibling groups in placement and seeking available~~
11 ~~kin, if any, to provide care for the child or children.~~

12 ~~(5) Foster parents that are not selected to be the~~
13 ~~adoptive resource should be informed of the reason for such~~
14 ~~determination.~~

15 ~~(6) Although foster families may not always agree with~~
16 ~~the decision of the county agency or the foster family care~~
17 ~~agency, all parties with an interest in the child must work~~
18 ~~together during transition to help to ensure a favorable~~
19 ~~resolution for the child.~~

20 ~~(7) Open communication is imperative between all~~
21 ~~pertinent parties involved with the child.~~

22 ~~(b) Declaration of policy. It shall be the policy of this~~
23 ~~Commonwealth to:~~

24 ~~(1) Ensure improved communication between all parties~~
25 ~~involved in a child's well being during the transition from~~
26 ~~foster care to adoption, such as the county agency, the~~
27 ~~foster family care agency, the foster family and the~~
28 ~~biological family.~~

29 ~~(2) Always strive to execute decisions that will~~
30 ~~ultimately result in enhanced outcomes for the child,~~

1 ~~including emphasis on maintaining sibling groups and placing~~
2 ~~children with available kin, if any.~~

3 SECTION 2. LEGISLATIVE INTENT. <—

4 THE GENERAL ASSEMBLY RECOGNIZES AND VALUES THE IMPORTANT
5 SERVICE PROVIDED BY RESOURCE PARENTS IN CARING FOR CHILDREN AND
6 YOUTH WITHIN THE FOSTER CARE SYSTEM. IT IS THE INTENT OF THE
7 GENERAL ASSEMBLY TO ENSURE THAT PERSONS SERVING AS RESOURCE
8 PARENTS ARE TREATED EQUITABLY DURING ALL STAGES OF A FOSTER
9 CHILD'S PLACEMENT, INCLUDING ADOPTION. THE FOREMOST GOAL OF ANY
10 PLACEMENT OF THE CHILD SHALL ENSURE A FAVORABLE RESOLUTION FOR
11 THE CHILD.

12 Section 3. Definitions.

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

16 "Child." An individual ~~who:~~ <—

17 ~~(1) is under 18 years of age;~~

18 ~~(2) is under 21 years of age and who committed an act of~~
19 ~~delinquency before reaching 18 years of age; or~~

20 ~~(3) is under 21 years of age and who was adjudicated~~
21 ~~dependent before reaching 18 years of age and while engaged~~
22 ~~in a course of instruction or treatment requests the court to~~
23 ~~retain jurisdiction until the course has been completed.~~

24 UNDER 18 YEARS OF AGE WHO IS RESIDING WITH A RESOURCE FAMILY. <—

25 "County agency." The county children and youth social
26 service agency established pursuant to section 405 of the act of
27 June 24, 1937 (P.L.2017, No.396), known as the County
28 Institution District Law, or its successor, and supervised by
29 the Department of Public Welfare under Article IX of the act of
30 June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

1 ~~"Foster family." The living unit, including the foster~~ <—
2 ~~family residence and foster parent, approved by a foster family~~
3 ~~care agency to provide foster family care to a child.~~

4 ~~"Foster family care." Residential care and supervision~~
5 ~~provided to a child placed with a foster family.~~

6 ~~"Foster family care agency." A public or private agency~~
7 ~~which recruits, approves, supervises and places children with~~
8 ~~foster families.~~

9 ~~"Foster parent." An individual approved by a foster family~~
10 ~~care agency who is responsible for providing foster family care~~
11 ~~to a child placed by a foster family care agency.~~

12 "Interview." An interactive process by which a foster family <—
13 care COUNTY OR PRIVATE agency becomes familiar with prospective <—
14 adoptive parents.

15 "PRIVATE AGENCY." A CHILDREN AND YOUTH SOCIAL SERVICE AGENCY <—
16 SUBJECT TO THE REQUIREMENTS OF 55 PA. CODE CH. 3680 (RELATING TO
17 ADMINISTRATION AND OPERATION OF A CHILDREN AND YOUTH SOCIAL
18 SERVICE AGENCY).

19 "RESOURCE FAMILY." A FAMILY WHICH PROVIDES TEMPORARY FOSTER
20 OR KINSHIP CARE FOR CHILDREN WHO NEED OUT-OF-HOME PLACEMENT AND
21 WHICH MAY EVENTUALLY PROVIDE PERMANENCY FOR THOSE CHILDREN,
22 INCLUDING AS AN ADOPTIVE FAMILY.

23 "RESOURCE FAMILY PARENT." AN INDIVIDUAL APPROVED BY A COUNTY
24 OR PRIVATE AGENCY WHO IS RESPONSIBLE FOR PROVIDING FOSTER CARE
25 TO A CHILD PLACED WITH A RESOURCE FAMILY.

26 ~~Section 4. Certain rights of foster parents.~~ <—

27 ~~(a) Interview.~~

28 ~~(1) In cases where a foster family care agency places a~~
29 ~~child in the care of a foster family, the child's goal has~~
30 ~~been changed to adoption and the child has resided with that~~

~~approved foster family for six months or more, the foster parent or parents shall have the right to an interview with the foster family care agency in the event that the foster parent or parents are interested in becoming an adoptive resource for the foster child.~~

~~(2) The foster family care agency shall convey the information obtained from the interview of the foster family, in addition to information obtained from the interviews of other prospective adoptive families, to the county children and youth agency for its consideration when making a determination as to placement of the child.~~

SECTION 4. RESOURCE FAMILY ADOPTION INTERVIEW PROCESS. <—

(A) INTERVIEW.--A RESOURCE FAMILY PARENT OR PARENTS SHALL BE GIVEN AN INTERVIEW WITH THE APPROPRIATE COUNTY OR PRIVATE AGENCY WHEN ALL OF THE FOLLOWING OCCUR:

(1) THE COUNTY OR PRIVATE AGENCY THAT PLACED THE CHILD WITH THAT RESOURCE FAMILY HAS CHANGED THE CHILD'S GOAL FROM FOSTER CARE TO ADOPTION.

(2) THE RESOURCE FAMILY PARENT IS INTERESTED IN BECOMING AN ADOPTIVE RESOURCE FOR THAT CHILD.

(3) THE CHILD HAS RESIDED WITH THAT RESOURCE FAMILY FOR SIX MONTHS OR MORE.

(B) RESOURCE FAMILY PARENT INTERVIEW.--IN ADDITION TO INFORMATION OBTAINED FROM INTERVIEWS OF OTHER PROSPECTIVE ADOPTIVE FAMILIES, THE INTERVIEWING AGENCY SHALL CONVEY INFORMATION OBTAINED FROM THE INTERVIEW WITH THE RESOURCE FAMILY PARENT, TO THE COUNTY AGENCY RESPONSIBLE FOR MAKING THE DETERMINATION AS TO ADOPTIVE PLACEMENT OF THE CHILD.

~~(b) Consideration of other individuals. If the county agency decides to consider other individuals as potential~~ <—

1 ~~adoptive parents for the child, the county agency shall document~~
2 ~~the reasons for such consideration in the child's case record.~~

3 ~~(B)~~ (C) CONSIDERATION OF MORE THAN ONE ADOPTIVE RESOURCE.-- <—
4 ~~WHERE~~ WHEN MORE THAN ONE ADOPTIVE RESOURCE IS AVAILABLE ~~AND~~ <—
5 ~~CONSIDERED FOR THE~~ FOR THE PLACEMENT OF A CHILD, THE COUNTY <—
6 AGENCY SHALL DOCUMENT ~~THE REASONS FOR CHOOSING TO PLACE THE~~ <—
7 ~~CHILD WITH PARTICULAR POTENTIAL~~ ITS REASONS FOR PLACING THE <—
8 CHILD WITH THE SELECTED ADOPTIVE PARENTS IN THE CHILD'S CASE
9 RECORD.

10 ~~(e)~~ (D) Certain concerns not to be considered.--No foster <—
11 ~~parent~~ RESOURCE PARENT WHO MEETS THE CONDITIONS SET FORTH IN <—
12 SUBSECTION (A) shall be denied ~~primary~~ consideration as an <—
13 adoptive parent ~~for a child in the foster parent's care for six~~ <—
14 ~~months or more simply because of concerns regarding an~~ SOLELY <—
15 BECAUSE OF THE inability to access that individual as a foster <—
16 ~~parent for other children~~ RESOURCE FAMILY PARENT in the future. <—

17 Section 5. Regulations.

18 The Department of Public Welfare may promulgate ~~regulations~~ <—
19 ~~regarding foster family care agency and county agency~~
20 ~~responsibilities pursuant to this act.~~ SUCH REGULATIONS AS MAY <—
21 BE NECESSARY TO IMPLEMENT THIS ACT.

22 Section 6. Effective date.

23 This act shall take effect ~~immediately~~ IN 60 DAYS. <—