

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2500 Session of 2012

INTRODUCED BY MOUL, BISHOP, CALTAGIRONE, DAVIS, DeLUCA, GEIST, GOODMAN, GROVE, HESS, HORNAMAN, KORTZ, MILLER, MUNDY, MURT, PICKETT, READSHAW, TOOHL AND WATSON, JUNE 22, 2012

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JUNE 22, 2012

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for family
4 conferencing.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Public Welfare Code, is amended by adding an article to
9 read:

10 ARTICLE XIII-B

11 FAMILY CONFERENCING

12 Section 1301-B. Scope of article.

13 This article relates to family conferencing.

14 Section 1302-B. Definitions.

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

18 "Child." An individual whose custody has been transferred to

1 the county agency under 42 Pa.C.S. Ch. 63 (relating to juvenile
2 matters), or whom the agency has otherwise accepted for service
3 and who:

4 (1) is under 18 years of age;

5 (2) is under 21 years of age and committed an act of
6 delinquency before reaching 18 years of age; or

7 (3) is under 21 years of age, was adjudicated dependent
8 before reaching 18 years of age and, while engaged in a
9 course of instruction or treatment, requests the court to
10 retain jurisdiction until the course has been completed.

11 "Children and youth social services." Public child welfare
12 services, including those activities or services designed to:

13 (1) Prevent neglect, abuse and exploitation and help
14 overcome problems that result in dependency and delinquency.

15 (2) Provide services which protect children from
16 continued harm to families in their own homes.

17 (3) Provide temporary, substitute care in foster family
18 homes or residential child care facilities for a child in
19 need of care.

20 (4) Reunite children and their families if children are
21 placed in temporary substitute care.

22 (5) Provide a permanent, legally assured family for
23 children in temporary, substitute care who cannot be returned
24 to their homes.

25 (6) Provide court-ordered care or supervision to alleged
26 or adjudicated dependent or delinquent children.

27 "County agency." The county children and youth social
28 service agency exercising the power and duties provided for in
29 section 405 of the act of June 24, 1937 (P.L.2017, No.396),
30 known as the County Institution District Law, or its successor,

1 and supervised by the Department of Public Welfare under Article
2 IX.

3 "Family." A child's parents, stepparents and relatives.

4 "Family conferencing." A child welfare practice where a
5 child's family, in consultation with a county agency or its
6 designee, develops a service plan to address concerns for the
7 child's safety, permanency and well-being through meetings
8 sponsored by a county agency or its designee.

9 "Relative." An individual who is at least 21 years of age
10 and meets at least one of the following:

11 (1) Is related within the fifth degree of consanguinity
12 or affinity to the parent or stepparent of a child.

13 (2) Is a godparent of the child as recognized by an
14 organized church or is a member of the child's tribe or clan.

15 (3) Has a significant positive relationship with the
16 child or child's family.

17 "Service plan." A written plan for a family receiving
18 children and youth social services that is developed in
19 accordance with Department of Public Welfare regulations.

20 Section 1303-B. General rule.

21 Within five years of the effective date of this article, a
22 county agency shall offer all children and families who are
23 receiving children and youth social services an opportunity to
24 engage in family conferencing. Family conferencing shall be
25 offered at least once annually as well as at key decision points
26 that impact the development or revision of service plans for the
27 child and the family. Family conferencing shall be offered until
28 the child and the family's involvement with the county agency is
29 terminated. The county agency is not required to offer family
30 conferencing when family conferencing threatens the safety of

1 the child or another member of the family.

2 Section 1304-B. Preparing for the family conference.

3 The county agency shall consult with the family to determine
4 who it wants to invite to attend the family conference. The
5 county agency shall allow the child to participate in the family
6 conference in a manner appropriate to the child's age and
7 maturity. The county agency is responsible for preparing the
8 family and child to safely participate in the family conference
9 and identifying services available to assist the family with
10 addressing concerns identified by the county agency or a court.
11 This preparation shall include, but is not limited to, informing
12 the family and the child about the purpose and the goal of the
13 family conference and identifying services available to assist
14 the family with addressing concerns identified by the county
15 agency or a court. The county agency is responsible for equally
16 promoting maternal and paternal family involvement in the family
17 conference.

18 Section 1305-B. Family responsibilities.

19 The family shall be responsible for the development of a
20 service plan during the family conference. The service plan
21 shall address the concerns of safety, permanency and well-being
22 within the family as well as other concerns which have been
23 identified by the county agency or a court regarding the child.

24 Section 1306-B. Family discussion.

25 The family conference shall include a private discussion by
26 the family about the available resources within the family, the
27 community and the county agency. The family shall be responsible
28 for determining which resources to utilize to address the
29 concerns of safety, permanency and well-being identified by the
30 county agency or a court.

1 Section 1307-B. Service plan requirements.

2 In order for a service plan to take effect, it must be
3 approved by the county agency or a court. If a family is unable
4 to develop an approved service plan through the family
5 conference, the county agency shall determine other means to
6 engage the family and the child, if appropriate, in the
7 development of a service plan that addresses the concerns of
8 safety, permanency and well-being identified by the county
9 agency or a court. The county agency shall support the
10 implementation of a service plan and attempt to ensure that the
11 implementation of the service plan resolves the safety,
12 permanency and well-being concerns identified by the county
13 agency or a court. Reasonable efforts to engage the child's
14 family in decisions regarding the child's safety, permanency or
15 well-being shall be made by the county agency on an ongoing
16 basis until the child's involvement with the county agency is
17 terminated.

18 Section 1308-B. Implementation of family conferencing.

19 The department shall require county agencies to gradually
20 implement family conferencing so that county agencies are
21 prepared to comply with this article.

22 Section 1309-B. Regulations.

23 Within 270 days of the effective date of this article, the
24 department shall promulgate regulations necessary to carry out
25 the provisions of this article.

26 Section 2. This act shall take effect in 60 days.