

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1866 Session of 2021

INTRODUCED BY BOBACK, HILL-EVANS, GUENST, McNEILL, HELM, MOUL AND WHEELAND, SEPTEMBER 15, 2021

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 11, 2022

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 67
2 (Public Welfare) of the Pennsylvania Consolidated Statutes,
3 in juvenile matters, further providing for disposition of
4 dependent child; and, in family finding and kinship care,
5 further providing for legislative intent, for definitions,
6 for family finding required and for discontinuance of family
7 finding and providing for permanency plan, for transition
8 plan and services and for data collection to improve
9 permanency outcomes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 6351(f) (8) and (8.2) and (f.1) (5) (i),
13 (ii) and (iv) of Title 42 of the Pennsylvania Consolidated
14 Statutes are amended to read:

15 § 6351. Disposition of dependent child.

16 * * *

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

20 * * *

21 (8) The services needed to assist a child who is 14

1 years of age or older to make the transition to successful
2 adulthood[.] and whether the services are being provided as
3 required under 67 Pa.C.S. § 3104.2 (relating to transition
4 plan and services).

5 * * *

6 (8.2) [That a] If the child is 18 years of age or older,
7 whether a suitable transition plan has been presented in
8 accordance with section 475 of the Social Security Act (49
9 Stat. 620, 42 U.S.C. § 675(5)(H)) and 67 Pa.C.S. § 3104.2.

10 * * *

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

15 * * *

16 (5) If and when the child will be placed in another
17 planned permanent living arrangement which is approved by the
18 court, the following shall apply:

19 (i) The child must be [16] 18 years of age or older.

20 (ii) The county agency shall identify at least [one
21 significant connection with a supportive adult] two
22 significant connections with supportive adults willing to
23 be involved in the child's life as the child transitions
24 to adulthood, or document that efforts have been made to
25 identify [a supportive adult] supportive adults.

26 * * *

27 (iv) The court shall:

28 (A) Ask the child about the desired permanency
29 goal for the child.

30 (B) Make a judicial determination explaining

1 why, as of the date of the hearing, another planned
2 permanent living arrangement is the best permanency
3 plan for the child.

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

10 (D) Make findings that the significant
11 [connection is] CONNECTIONS ARE identified in the <--
12 permanency plan or that efforts have been made to
13 identify [a supportive adult] AT LEAST TWO <--
14 CONNECTIONS WITH SUPPORTIVE ADULTS, if no one is
15 currently identified.

16 (E) Identify the specific planned permanent
17 living arrangement that the court is approving.

18 * * *

19 Section 2. Section 3101 of Title 67 is amended to read:

20 § 3101. Legislative intent.

21 This chapter is intended to ensure that family finding occurs
22 on an ongoing basis for all children entering the child welfare
23 system[. This chapter is also intended], to promote the use of
24 kinship care when it is necessary to remove a child from the
25 child's home [in an effort to:

26 (1) Identify and build positive connections between the
27 child and the child's relatives and kin.

28 (2) Support the engagement of relatives and kin in
29 children and youth social service planning and delivery.

30 (3) Create a network of extended family support to

1 assist in remedying the concerns that led the child to be
2 involved with the county agency.] and to ensure that each
3 child leaving foster care at 18 years of age or older is
4 prepared for the transition to successful adulthood.

5 Section 3. ~~Section 3102 of Title 67 is amended by adding~~ <--
6 ~~definitions to read:~~ THE DEFINITION OF "FAMILY FINDING" IN <--
7 SECTION 3102 OF TITLE 67 IS AMENDED AND THE SECTION IS AMENDED
8 BY ADDING DEFINITIONS TO READ:

9 § 3102. Definitions.

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

13 * * *

14 "FAMILY FINDING." [ONGOING DILIGENT EFFORTS BETWEEN A COUNTY <--
15 AGENCY, OR ITS CONTRACTED PROVIDERS, AND RELATIVES AND KIN TO:

16 (1) SEARCH FOR AND IDENTIFY ADULT RELATIVES AND KIN AND
17 ENGAGE THEM IN CHILDREN AND YOUTH SOCIAL SERVICE PLANNING AND
18 DELIVERY.

19 (2) GAIN COMMITMENT FROM RELATIVES AND KIN TO SUPPORT A
20 CHILD OR PARENT RECEIVING CHILDREN AND YOUTH SOCIAL
21 SERVICES.] THE ONGOING PROCESS OF IDENTIFYING AND ENGAGING
22 EXTENDED FAMILY MEMBERS AND ADULTS WHO HAVE OR COULD HAVE
23 SIGNIFICANT, POSITIVE CONNECTIONS WITH A CHILD OR FAMILY THAT
24 HAS BEEN ACCEPTED FOR SERVICES IN ORDER TO:

25 (1) BUILD A NETWORK OF SUPPORT FOR THE CHILD AND THE
26 CHILD'S FAMILY.

27 (2) PROMOTE POSITIVE, LONG-TERM CONNECTIONS FOR THE
28 CHILD.

29 (3) INCLUDE RELATIVES AND KIN IN SOCIAL SERVICE PLANNING
30 AND DELIVERY.

1 (4) WHEN NECESSARY, IDENTIFY A SAFE AND FAMILIAR
2 PLACEMENT FOR THE CHILD.

3 * * *

4 "Permanency plan." A comprehensive plan for a child in out-
5 of-home placement that is intended to result in a permanent home
6 and family relationships for the child.

7 * * *

8 "Transition plan." A comprehensive plan for leaving foster
9 care or another out-of-home placement and successfully
10 transitioning to independent adulthood.

11 Section 4. Sections 3103 and 3104 of Title 67 are amended to
12 read:

13 § 3103. Family finding required.

14 (a) General rule.--Family finding shall be conducted for a <--
15 child when the] commenced within 30 days from when a <--
16 accepted for service and at least annually thereafter until the
17 child's involvement with the county agency is terminated or the
18 family finding is discontinued in accordance with [section 3104 <--
19 (relating to discontinuance of family finding)] SUBSECTION (B). <--

20 (b) Discontinuation of family finding.--A county agency may
21 discontinue family finding for a child only under the following
22 circumstances:

23 (1) The child has been adjudicated dependent pursuant to
24 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court
25 has made a specific determination that continued family
26 finding no longer serves the best interests of the child or
27 is a threat to the child's safety.

28 (2) The child is not under the jurisdiction of a court
29 and the county agency has determined that continued family
30 finding is a threat to the child's safety. A determination

1 that continued family finding is a threat to the child's
2 safety must be based on credible information about a specific
3 safety threat, and the county agency shall document the
4 reasons for the county agency's determination.

5 (3) The child is in a preadoptive placement, and court
6 proceedings to adopt the child have been commenced pursuant
7 to 23 Pa.C.S. Pt. III (relating to adoption).

8 (c) Resumption of family finding.--Notwithstanding the
9 provisions of subsection ~~(a)~~ (B), a county agency shall resume <--
10 family finding for a child if:

11 (1) the child is under the jurisdiction of a court and
12 the court determines that resuming family finding is best
13 suited to the safety, protection and physical, mental and
14 moral welfare of the child and does not pose a threat to the
15 child's safety; or

16 (2) the child is not under the jurisdiction of a court
17 and the county agency determines that resuming family finding
18 serves the best interests of the child and does not pose a
19 threat to the child's safety.

20 (d) Documentation.--The following family finding information
21 shall be documented in the child's case plan:

22 (1) The technology and processes used to identify and
23 engage relatives and kin.

24 (2) The names of relatives and kin that were identified.

25 (3) The names of relatives and kin that were contacted.

26 (4) The child's input and involvement in family finding
27 efforts.

28 (5) The manner and extent to which identified relatives
29 or kin were included in the child's case plan.

30 (6) If applicable, the reasons for discontinuation of

1 family finding.

2 [§ 3104. Discontinuance of family finding.

3 (a) General rule.--A county agency may discontinue family
4 finding for a child under the following circumstances:

5 (1) The child has been adjudicated dependent pursuant to
6 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court
7 has made a specific determination that continued family
8 finding no longer serves the best interests of the child or
9 is a threat to the child's safety.

10 (2) The child is not under the jurisdiction of a court
11 and the county agency has determined that continued family
12 finding is a threat to the child's safety. A determination
13 that continued family finding is a threat to the child's
14 safety must be based on credible information about a specific
15 safety threat, and the county agency shall document the
16 reasons for the county agency's determination.

17 (3) The child is in a preadoptive placement, and court
18 proceedings to adopt the child have been commenced pursuant
19 to 23 Pa.C.S. Pt. III (relating to adoption).

20 (b) Resuming family finding.--Notwithstanding the provisions
21 of subsection (a), a county agency shall resume family finding
22 for a child if:

23 (1) the child is under the jurisdiction of a court and
24 the court determines that resuming family finding is best
25 suited to the safety, protection and physical, mental and
26 moral welfare of the child and does not pose a threat to the
27 child's safety; or

28 (2) the child is not under the jurisdiction of a court and
29 the county agency determines that resuming family finding serves
30 the best interests of the child and does not pose a threat to

1 the child's safety.]

2 Section 5. Title 67 is amended by adding sections to read:

3 § 3104.1. Permanency plan.

4 (a) Permanency plan.--When a child is subject to an order
5 transferring legal custody under 42 Pa.C.S. § 6351(a)(2)
6 (relating to disposition of dependent child), the county shall
7 develop a permanency plan, provide, on a continuous basis,
8 services to support the successful effectuation of the
9 permanency plan and document in the child's case plan the
10 services provided. A child 14 years of age or older shall have
11 the opportunity to participate in the development of the
12 permanency plan.

13 (b) Permanency services.--The county agency shall, on an
14 ongoing basis, provide services to:

15 (1) Identify potential permanent placements for the
16 child, including primary and secondary placement options.

17 (2) Prepare the child cognitively and emotionally for
18 placement in accordance with the child's identified
19 permanency goal.

20 (3) Maintain and strengthen sibling connections through
21 joint placement or facilitation of visitation and other means
22 of communication.

23 (4) Maintain and strengthen other identified supportive
24 connections.

25 § 3104.2. Transition plan and services.

26 (a) Transition services required.--If a child is subject to
27 an order transferring legal custody under 42 Pa.C.S. § 6351(a)
28 (2) (relating to disposition of dependent child), the county
29 shall:

30 (1) Beginning when the child is 14 years of age, provide

1 age and developmentally appropriate services to help the
2 child plan and prepare for eventual adulthood.

3 (2) Beginning no less than ~~90 days~~ SIX MONTHS before the <--
4 child will become 18 years of age, develop a transition plan
5 in collaboration with the child and, at the child's election,
6 other supportive adults.

7 (3) Prior to termination of court jurisdiction of a
8 child 18 years of age or older, provide the child with all
9 relevant documents, which may include, but are not limited
10 to, the child's birth certificate ~~or proof of legal~~ <--
11 residency, SOCIAL SECURITY CARD, driver's license or State <--
12 identification card, health insurance card and diploma or
13 general educational development certificate.

14 (4) Prior to termination of court jurisdiction, provide
15 the child with a copy of the transition plan.

16 (b) Transition plan.--A transition plan shall include:

17 (1) Identification of or detailed options for a suitable
18 place of intended residence.

19 (2) A list, with contact information, of supportive
20 adults and family members.

21 (3) Identification of local opportunities for
22 mentorships and continuing social support.

23 (4) A plan or detailed options for employment, job
24 training or continuing education.

25 (5) Documentation of the child's possession of relevant
26 documents or, if the child does not have possession of the
27 documents, an explanation of the reasons why the child does
28 not have the documents and detailed instructions on how the
29 child may obtain the documents.

30 (c) Transition document retention.--The county shall

1 document the child's transition plan in the child's case plan
2 and shall retain electronic copies of the transition plan and
3 all relevant documents for no less than five years after
4 termination of court jurisdiction.

5 § 3108. Data collection to improve permanency outcomes.

6 The county agency shall submit to the department the
7 following data for a child 18 years of age or older at the time
8 the court terminates jurisdiction over the child:

9 (1) Age.

10 (2) Gender.

11 (3) Race.

12 (4) Permanency goal.

13 (5) Whether permanency goal was achieved.

14 (6) Whether the child requested resumption of
15 jurisdiction.

16 (7) Whether the court granted resumption of
17 jurisdiction.

18 (8) The number of placements in the prior year.

19 (9) Whether the child had an identified place of
20 intended residence.

21 (10) Whether the child had income through employment.

22 (11) Whether the child had income through a public
23 benefit.

24 (12) Whether the child had at least two identified
25 supportive adult connections.

26 (13) Whether the child had contact with siblings.

27 (14) Whether the child had contact with biological
28 parents.

29 (15) Whether the child graduated from high school.

30 (16) Whether the child received a general educational

1 development certification.

2 (17) Whether the child was a parent or expectant parent.

3 (18) Whether the child was enrolled in a program of
4 postsecondary education or training.

5 (19) Whether the child had completed at least two years
6 in a program of postsecondary education or training.

7 (20) Whether the child was enrolled in Medicaid.

8 (21) Whether the child was given a physical copy of a
9 transition plan.

10 (22) Whether the child had possession of a birth
11 certificate, Social Security card, State identification card
12 or driver's license, health insurance card and, if not born
13 in the United States, proof of valid immigration status.

14 Section 6. This act shall take effect in 60 days.