
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 434 Session of
2003

INTRODUCED BY SATHER, RUBLEY, YOUNGBLOOD, BAKER, CRAHALLA,
DeWEESE, GEIST, HALUSKA, HARRIS, HERMAN, HERSHEY, HICKERNELL,
JAMES, LEACH, MCGILL, R. MILLER, S. MILLER, PISTELLA,
SCRIMENTI, SHANER, SOLOBAY, E. Z. TAYLOR, TRUE, VANCE AND
WATSON, FEBRUARY 25, 2003

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 25, 2003

AN ACT

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

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

1 (3) According to the Pennsylvania State Foster Parent
2 Association, 64% of foster children were adopted by their
3 foster parent or parents in the year 2002.

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

9 (5) Foster parents that are not selected to be the
10 adoptive resource should be informed of the reason for such
11 determination.

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

17 (7) Open communication is imperative between all
18 pertinent parties involved with the child.

19 (b) Declaration of policy.--It shall be the policy of this
20 Commonwealth to:

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

26 (2) Always strive to execute decisions that will
27 ultimately result in enhanced outcomes for the child,
28 including emphasis on maintaining sibling groups and placing
29 children with available kin, if any.

30 Section 3. Definitions.

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

4 "Child." An individual who:

5 (1) is under 18 years of age;

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

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

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

18 "Foster family." The living unit, including the foster
19 family residence and foster parent, approved by a foster family
20 care agency to provide foster family care to a child.

21 "Foster family care." Residential care and supervision
22 provided to a child placed with a foster family.

23 "Foster family care agency." A public or private agency
24 which recruits, approves, supervises and places children with
25 foster families.

26 "Foster parent." An individual approved by a foster family
27 care agency who is responsible for providing foster family care
28 to a child placed by a foster family care agency.

29 "Interview." An interactive process by which a foster family
30 care agency becomes familiar with prospective adoptive parents.

1 Section 4. Certain rights of foster parents.

2 (a) Interview.--

3 (1) In cases where a foster family care agency places a
4 child in the care of a foster family, the child's goal has
5 been changed to adoption and the child has resided with that
6 approved foster family for six months or more, the foster
7 parent or parents shall have the right to an interview with
8 the foster family care agency in the event that the foster
9 parent or parents are interested in becoming an adoptive
10 resource for the foster child.

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

17 (b) Consideration of other individuals.--If the county
18 agency decides to consider other individuals as potential
19 adoptive parents for the child, the county agency shall document
20 the reasons for such consideration in the child's case record.

21 (c) Certain concerns not to be considered.--No foster parent
22 shall be denied primary consideration as an adoptive parent for
23 a child in the foster parent's care for six months or more
24 simply because of concerns regarding an inability to access that
25 individual as a foster parent for other children in the future.

26 Section 5. Regulations.

27 The Department of Public Welfare may promulgate regulations
28 regarding foster family care agency and county agency
29 responsibilities pursuant to this act.

30 Section 6. Effective date.

1 This act shall take effect immediately.