

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1245 Session of
2008

INTRODUCED BY WASHINGTON, WOZNIAK, BROWNE, COSTA, FONTANA, FUMO,
ORIE, GREENLEAF, KITCHEN, TARTAGLIONE AND RAFFERTY,
JANUARY 15, 2008

REFERRED TO JUDICIARY, JANUARY 15, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further defining "child" and "dependent child"; and providing
4 for court review of voluntary foster care extension
5 agreements.

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

8 Section 1. The definitions of "child" and "dependent child"
9 in section 6302 of Title 42 of the Pennsylvania Consolidated
10 Statutes are amended to read:

11 § 6302. Definitions.

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

15 * * *

16 "Child." An individual who:

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

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

1 (3) was adjudicated dependent before reaching the age of
2 18 years and who, while engaged in a course of instruction or
3 treatment, requests the court to retain jurisdiction until
4 the course has been completed, but in no event shall a child
5 remain in a course of instruction or treatment past the age
6 of 21 years[.]; or

7 (4) was adjudicated dependent before reaching 18 years
8 of age and who is at least 18 years of age and under 21 years
9 of age, and who enters into a written agreement with a county
10 agency for the continuation of foster care placement and
11 services in accordance with Article VII-A of the act of June
12 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

13 * * *

14 "Dependent child." A child who:

15 (1) is without proper parental care or control,
16 subsistence, education as required by law, or other care or
17 control necessary for his physical, mental, or emotional
18 health, or morals. A determination that there is a lack of
19 proper parental care or control may be based upon evidence of
20 conduct by the parent, guardian or other custodian that
21 places the health, safety or welfare of the child at risk,
22 including evidence of the parent's, guardian's or other
23 custodian's use of alcohol or a controlled substance that
24 places the health, safety or welfare of the child at risk;

25 (2) has been placed for care or adoption in violation of
26 law;

27 (3) has been abandoned by his parents, guardian, or
28 other custodian;

29 (4) is without a parent, guardian, or legal custodian;

30 (5) while subject to compulsory school attendance is

1 habitually and without justification truant from school;

2 (6) has committed a specific act or acts of habitual
3 disobedience of the reasonable and lawful commands of his
4 parent, guardian or other custodian and who is ungovernable
5 and found to be in need of care, treatment or supervision;

6 (7) is under the age of ten years and has committed a
7 delinquent act;

8 (8) has been formerly adjudicated dependent, and is
9 under the jurisdiction of the court, subject to its
10 conditions or placements and who commits an act which is
11 defined as ungovernable in paragraph (6);

12 (9) has been referred pursuant to section 6323 (relating
13 to informal adjustment), and who commits an act which is
14 defined as ungovernable in paragraph (6); [or]

15 (10) is born to a parent whose parental rights with
16 regard to another child have been involuntarily terminated
17 under 23 Pa.C.S. § 2511 (relating to grounds for involuntary
18 termination) within three years immediately preceding the
19 date of birth of the child and conduct of the parent poses a
20 risk to the health, safety or welfare of the child[.]; or

21 (11) was adjudicated dependent before reaching the age
22 of 18 years, and who is 18 years of age or older and under 21
23 years of age and who enters into a written agreement with a
24 county agency for the continuation of foster care placement
25 and services in accordance with Article VII-A of the act of
26 June 13, 1967 (P.L.31, No.21), known as the Public Welfare
27 Code.

28 * * *

29 Section 2. Title 42 is amended by adding a section to read:
30 § 6351.2. Court review and approval of voluntary foster care

1 extension agreements.

2 (a) General rule.--A court shall review a voluntary foster
3 care extension agreement entered into by a county agency and a
4 child pursuant to Article VII-A of the act of June 13, 1967
5 (P.L.31, No.21), known as the Public Welfare Code, where the
6 child is at least 18 years of age and under 21 years of age and
7 was declared dependent before reaching 18 years of age, to
8 extend foster care placement and services.

9 (b) Basis for determination.--A court shall approve a
10 voluntary foster care extension agreement where the terms of the
11 agreement are in the best interest of the child. This
12 determination shall include consideration of the safety,
13 protection, mental and moral welfare of the child.

14 (c) Time period of approval.--Court approval of a voluntary
15 foster care extension agreement shall extend the court's
16 determination that the child is dependent until the date on
17 which the agreement expires on its own terms or termination by
18 the county agency.

19 Section 3. This act shall take effect in 180 days.