

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1691 Session of
2015

INTRODUCED BY MARSICO, REGAN, V. BROWN, BAKER, DRISCOLL, ROZZI,
GREINER, HARHART, THOMAS, SCHLOSSBERG, YOUNGBLOOD, IRVIN,
HICKERNELL, EVERETT, KOTIK, CALTAGIRONE, MILLARD, WHITE,
BARBIN, BOBACK, D. COSTA, BISHOP, O'NEILL, WATSON, PHILLIPS-
HILL, KAUFFMAN, READSHAW, NEILSON, A. HARRIS, PICKETT,
GIBBONS, CUTLER, PETRI, SACCONI, JOZWIAK, GINGRICH, QUINN,
B. MILLER, WARD, VEREB, CORBIN, PASHINSKI, RAPP, HARHAI,
MAJOR, TOOHIL, COHEN, BENNINGHOFF, GILLEN, KORTZ, DONATUCCI
AND ZIMMERMAN, NOVEMBER 12, 2015

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, DECEMBER 9,
2015

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for sex trafficking and missing and
4 abducted children; and, in juvenile matters, further
5 providing for definitions and for disposition of dependent
6 child.

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

9 Section 1. Title 23 of the Pennsylvania Consolidated
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 57

12 SEX TRAFFICKING AND MISSING AND ABDUCTED CHILDREN

13 Sec.

14 5701. Definitions.

15 5702. County responsibilities.

1 5703. Law enforcement responsibilities.

2 § 5701. Definitions.

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

6 "Child." An individual who is under 21 years of age and
7 meets one of the following:

8 (1) The county agency is conducting an assessment of the
9 need for services.

10 (2) The county agency is conducting an investigation of
11 suspected child abuse of the child under Chapter 63 (relating
12 to child protective services).

13 (3) The county agency is providing services to the
14 child.

15 "County agency." As defined in section 6303 (relating to
16 definitions).

17 "Department." The Department of Human Services of the
18 Commonwealth.

19 "Law enforcement." The law enforcement agency which is
20 responsible for investigating cases of missing children under 18
21 Pa.C.S. § 2908 (relating to missing children).

22 "Sex trafficking victim." As defined under section 475 of
23 the Social Security Act (49 Stat. 620, 42 U.S.C. § 675).

24 § 5702. County responsibilities.

25 (a) Report of possible sex trafficking victims.--A county
26 agency shall report to law enforcement as soon as practicable,
27 but in no case later than 24 hours after receiving information
28 about a child who:

29 (1) the county agency has reasonable cause to suspect of
30 being at risk of being a sex trafficking victim; or

1 (2) the county agency identifies as being a sex
2 trafficking victim.

3 (b) Child missing from residence or abducted.--A county
4 agency shall report to law enforcement and to the National
5 Center for Missing and Exploited Children as soon as practicable
6 but no later than 24 hours after receiving information about a
7 child who is missing from the child's residence or is abducted.

8 (c) Report to department.--The county agency shall report
9 annually to the department the total number of children who are
10 sex trafficking victims. The report shall be submitted in the
11 form and by the deadline prescribed by the department.

12 § 5703. Law enforcement responsibilities.

13 When law enforcement receives information from a county
14 agency about a child who is missing from the child's residence
15 or is abducted under section 5702(b) (relating to county
16 responsibilities), law enforcement shall enter the information
17 into the National Crime Information Center database.

18 Section 2. Section 6302 of Title 42 is amended by adding
19 definitions to read:

20 § 6302. Definitions.

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

24 "Age-appropriate or developmentally appropriate." The
25 following:

26 (1) activities or items that are generally accepted as
27 suitable for children of the same chronological age or level
28 of maturity or that are determined to be developmentally
29 appropriate for a child based on the development of
30 cognitive, emotional, physical and behavioral capacities that

1 are typical for an age or age group; and

2 (2) in the case of a specific child, activities or items
3 that are suitable for the child based on the developmental
4 stages attained by the child with respect to the cognitive,
5 emotional, physical and behavioral capacities of the child.

6 * * *

7 "Caregiver." A person with whom the child is placed in an
8 out-of-home placement, including a resource family or an
9 individual designated by a county agency or private agency. The
10 resource family is the caregiver for any child placed with them.

11 * * *

12 "Out-of-home placement." A setting that provides 24-hour
13 substitute care for a child away from the child's parents or
14 guardians and for whom the county agency has placement care and
15 responsibility. The term includes resource family homes and
16 supervised settings in which a child is living and, for a child
17 who has attained 18 years of age, a supervised setting in which
18 the individual is living independently. The term does not
19 include secure facilities, facilities operated primarily for the
20 detention of children who have been adjudicated delinquent,
21 accredited psychiatric residential treatment facilities or
22 hospitals.

23 "Private agency." An entity that provides out-of-home
24 placement services to children under a contract with a county
25 agency.

26 * * *

27 "Reasonable and prudent parent standard." The standard,
28 characterized by careful and sensible parental decisions that
29 maintain the health, safety and best interests of a child while
30 encouraging the emotional and developmental growth of the child,

1 that a caregiver must use when determining whether to allow a
2 child in an out-of-home placement under the responsibility of
3 the county agency to participate in extracurricular, enrichment,
4 cultural and social activities.

5 "Resource family." As defined under section 3 of the act of
6 November 22, 2005 (P.L.404, No.73), known as the Resource Family
7 Care Act.

8 * * *

9 Section 3. Section 6351(e)(1), (f)(8) and (f.1)(5) of Title
10 42 are amended and subsection (f) is amended by adding a
11 paragraph to read:

12 § 6351. Disposition of dependent child.

13 * * *

14 (e) Permanency hearings.--

15 (1) The court shall conduct a permanency hearing for the
16 purpose of determining or reviewing the permanency plan of
17 the child, the date by which the goal of permanency for the
18 child might be achieved and whether placement continues to be
19 best suited to the safety, protection and physical, mental
20 and moral welfare of the child. In any permanency hearing
21 held with respect to the child, the court shall consult with
22 the child regarding the child's permanency plan, including
23 the child's desired permanency goal, in a manner appropriate
24 to the child's age and maturity. If the court does not
25 consult personally with the child, the court shall ensure
26 that the views of the child regarding the permanency plan
27 have been ascertained to the fullest extent possible and
28 communicated to the court by the guardian ad litem under
29 section 6311 (relating to guardian ad litem for child in
30 court proceedings) or, as appropriate to the circumstances of

1 the case by the child's counsel, the court-appointed special
2 advocate or other person as designated by the court.

3 * * *

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

7 * * *

8 (8) The services needed to assist a child who is [16] 14
9 years of age or older to make the transition to [independent
10 living] successful adulthood.

11 * * *

12 (12) If the child has been placed with a caregiver,
13 whether the child is being provided with regular, ongoing
14 opportunities to participate in age-appropriate or
15 developmentally appropriate activities. In order to make the
16 determination under this paragraph, the county agency shall
17 document the steps it has taken to ensure that:

18 (i) the caregiver is following the reasonable and
19 prudent parent standard; and

20 (ii) the child has regular, ongoing opportunities to
21 engage in age-appropriate or developmentally appropriate
22 activities. The county agency shall consult with the
23 child regarding opportunities to engage in such
24 activities.

25 * * *

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26 (f.1) Additional determination.--Based upon the
27 determinations made under subsection (f) and all relevant
28 evidence presented at the hearing, the court shall determine one
29 of the following:

30 * * *

1 (5) If and when the child will be placed in another
2 planned permanent living arrangement [intended to be
3 permanent in nature] which is approved by the court [in cases
4 where the county agency has documented a compelling reason
5 that it would not be best suited to the safety, protection
6 and physical, mental and moral welfare of the child to be
7 returned to the child's parent, guardian or custodian, to be
8 placed for adoption, to be placed with a legal custodian or
9 to be placed with a fit and willing relative.], the following
10 shall apply:

11 (i) The child must be 16 years of age or older.

12 (II) THE COUNTY AGENCY SHALL IDENTIFY AT LEAST ONE <--
13 SIGNIFICANT CONNECTION WITH A SUPPORTIVE ADULT WILLING TO
14 BE INVOLVED IN THE CHILD'S LIFE AS THE CHILD TRANSITIONS
15 TO ADULTHOOD, OR DOCUMENT THAT EFFORTS HAVE BEEN MADE TO
16 IDENTIFY A SUPPORTIVE ADULT.

17 ~~(ii)~~ (III) The county agency shall document: <--

18 (A) A compelling reason that it would not be
19 best suited to the safety, protection and physical,
20 mental and moral welfare of the child to be returned
21 to the child's parent, guardian or custodian, to be
22 placed for adoption, to be placed with a legal
23 custodian or to be placed with a fit and willing
24 relative.

25 (B) Its intensive, ongoing and, as of the date
26 of the hearing, unsuccessful efforts to return the
27 child to the child's parent, guardian or custodian or
28 to be placed for adoption, to be placed with a legal
29 custodian or to be placed with a fit and willing
30 relative.

1 (C) Its efforts to utilize search technology to
2 find biological family members for the child.

3 ~~(iii)~~ (IV) The court shall:

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4 (A) Ask the child about the desired permanency
5 goal for the child.

6 (B) Make a judicial determination explaining
7 why, as of the date of the hearing, another planned
8 permanent living arrangement is the best permanency
9 plan for the child.

10 (C) Provide compelling reasons why it continues
11 not to be in the best interests of the child to
12 return to the child's parent, guardian or custodian,
13 be placed for adoption, be placed with a legal
14 custodian or be placed with a fit and willing
15 relative.

16 (D) MAKE FINDINGS THAT THE SIGNIFICANT
17 CONNECTION IS IDENTIFIED IN THE PERMANENCY PLAN OR
18 THAT EFFORTS HAVE BEEN MADE TO IDENTIFY A SUPPORTIVE
19 ADULT, IF NO ONE IS CURRENTLY IDENTIFIED.

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20 * * *

21 SECTION 4. THE DEPARTMENT OF HUMAN SERVICES OF THE
22 COMMONWEALTH SHALL CONDUCT A STUDY TO ANALYZE AND MAKE
23 RECOMMENDATIONS ON THE PERMANENCY GOAL OF ANOTHER PLANNED
24 PERMANENT LIVING ARRANGEMENT FOR CHILDREN 16 YEARS OF AGE OR
25 OLDER. THE FOLLOWING APPLY:

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26 (1) THE STUDY SHALL INCLUDE RECOMMENDATIONS ON ALL OF
27 THE FOLLOWING:

28 (I) STRATEGIES TO REDUCE THE USE OF OR ELIMINATE THE
29 USE OF THE PERMANENCY GOAL OF ANOTHER PLANNED PERMANENT
30 LIVING ARRANGEMENT.

1 (II) OTHER PERMANENCY GOAL OPTIONS FOR CHILDREN.

2 (III) EXPECTED OUTCOMES FOR CHILDREN BY THE
3 REDUCTION OF OR THE ELIMINATION OF ANOTHER PLANNED
4 PERMANENT LIVING ARRANGEMENT AS A PERMANENCY GOAL.

5 (IV) A TIMELINE TO ACHIEVE THE STRATEGIES SET FORTH
6 UNDER SUBPARAGRAPH (I).

7 (2) IN CONDUCTING THE STUDY, THE DEPARTMENT OF HUMAN
8 SERVICES SHALL CONVENE A WORK GROUP TO RECEIVE FEEDBACK ON
9 THE POTENTIAL REDUCTION OR ELIMINATION OF THE PERMANENCY GOAL
10 OF ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT. THE WORK
11 GROUP SHALL INCLUDE REPRESENTATIVES FROM THE JUVENILE COURT,
12 GUARDIANS AD LITEM, PARENT ATTORNEYS, COUNTY AGENCIES,
13 PRIVATE CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES,
14 CHILDREN'S ADVOCACY ORGANIZATIONS, THE PENNSYLVANIA YOUTH
15 ADVISORY BOARD AND OTHER APPROPRIATE STAKEHOLDERS AS
16 DETERMINED BY THE SECRETARY OF HUMAN SERVICES.

17 (3) THE DEPARTMENT OF HUMAN SERVICES SHALL, WITHIN FOUR
18 MONTHS OF ENACTMENT OF THIS SECTION, REPORT THE STUDY'S
19 FINDINGS AND MAKE ITS RECOMMENDATIONS TO:

20 (I) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
21 JUDICIARY COMMITTEE OF THE SENATE.

22 (II) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
23 AGING AND YOUTH COMMITTEE OF THE SENATE.

24 (III) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF
25 THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

26 (IV) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
27 CHILDREN AND YOUTH COMMITTEE OF THE HOUSE OF
28 REPRESENTATIVES.

29 Section 4 5. This act shall take effect January 1, 2016, or <--
30 immediately, whichever is later.