

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1090 Session of
2005

INTRODUCED BY BROWNE, BAKER, BALDWIN, BELFANTI, BENNINGHOFF,
BISHOP, BLACKWELL, BOYD, CALTAGIRONE, CAPPELLI, CAWLEY,
CLYMER, COHEN, CRAHALLA, DeLUCA, DENLINGER, DeWEESE, FORCIER,
FRANKEL, GEIST, GINGRICH, GOOD, GRELL, GRUCELA, HARPER,
HARRIS, HENNESSEY, HESS, JAMES, W. KELLER, KOTIK, LEACH, LEH,
MACKERETH, MANN, MCGILL, R. MILLER, S. MILLER, MUNDY,
O'NEILL, PHILLIPS, PICKETT, PISTELLA, RAPP, READSHAW,
REICHLEY, ROHRER, RUBLEY, SAINATO, SAYLOR, SCHRODER, SHANER,
B. SMITH, STERN, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE,
TRUE, WALKO, WHEATLEY, WILT, WOJNAROSKI AND YOUNGBLOOD,
MARCH 24, 2005

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 24, 2005

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

1 resource and, if they are interested, should be afforded
2 consideration as an adoptive resource when a child's goal has
3 been changed to adoption.

4 (3) According to the Pennsylvania State Foster Parent
5 Association, 60% of foster children were adopted by their
6 foster parent or parents in the year 2000.

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

12 (5) Foster parents that are not selected to be the
13 adoptive resource should be informed of the reason for such
14 determination.

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

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

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

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

29 (2) Always strive to execute decisions that will
30 ultimately result in enhanced outcomes for the child,

1 including emphasis on maintaining sibling groups and placing
2 children with available kin, if any.

3 Section 3. Definitions.

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

7 "Child." An individual who:

8 (1) is under 18 years of age;

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

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

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

21 "Foster family." The living unit, including the foster
22 family residence and foster parent, approved by a foster family
23 care agency to provide foster family care to a child.

24 "Foster family care." Residential care and supervision
25 provided to a child placed with a foster family.

26 "Foster family care agency." A public or private agency
27 which recruits, approves, supervises and places children with
28 foster families.

29 "Foster parent." An individual approved by a foster family
30 care agency who is responsible for providing foster family care

1 to a child placed by a foster family care agency.

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

4 Section 4. Certain rights of foster parents.

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

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

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

22 Section 5. Regulations.

23 The Department of Public Welfare shall promulgate regulations
24 regarding county agency responsibilities pursuant to this act
25 not later than six months following the effective date of this
26 act. The regulations shall include the ability of foster parents
27 to appeal a relocation of a child from the foster family in
28 cases where the foster parent alleges that the county agency did
29 not act in accordance with this act.

30 Section 6. Effective date.

1 This act shall take effect immediately.