

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1076 Session of 2013

INTRODUCED BY MOUL, HENNESSEY, HEFFLEY, COHEN, KORTZ, V. BROWN, C. HARRIS, D. COSTA, PICKETT, HESS, QUINN, GROVE, WATSON, DAVIDSON, FABRIZIO, MURT, EVERETT, MILLER AND BISHOP, APRIL 2, 2013

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 3, 2013

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," providing for family  
4 conferencing.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known  
8 as the Public Welfare Code, is amended by adding an article to  
9 read:

ARTICLE XIII-B

FAMILY CONFERENCING

12 Section 1301-B. Scope of article.

13 This article relates to family conferencing.

14 Section 1302-B. Definitions.

15 The following words and phrases when used in this article  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

1 "Accept for service." Decide on the basis of the needs and  
2 problems of an individual to admit or receive the individual as  
3 a client of the county agency or as required by a court order  
4 entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

5 "Child." As defined in section 1302.

6 "Children and youth social services." Public child welfare  
7 services, including those activities or services designed to:

8 (1) Prevent neglect, abuse and exploitation and help  
9 overcome problems that result in dependency and delinquency.

10 (2) Provide services which protect children from  
11 continued harm to families in their own homes.

12 (3) Provide temporary, substitute care in foster family  
13 homes or residential child care facilities for a child in  
14 need of care.

15 (4) Reunite children and their families if children are  
16 placed in temporary substitute care.

17 (5) Provide a permanent, legally assured family for  
18 children in temporary, substitute care who cannot be returned  
19 to their homes.

20 (6) Provide court-ordered care or supervision to alleged  
21 or adjudicated dependent or delinquent children.

22 ~~"County agency." The county children and youth social~~ <--  
23 ~~service agency exercising the power and duties provided for in~~  
24 ~~section 405 of the act of June 24, 1937 (P.L.2017, No.396),~~  
25 ~~known as the County Institution District Law, or its successor,~~  
26 ~~and supervised by the Department of Public Welfare under Article~~  
27 ~~IX.~~

28 "COUNTY AGENCY." AS DEFINED IN SECTION 1302. <--

29 "Family." A child's parents, stepparents, relatives and kin.

30 "Family conferencing." A child welfare practice where a

1 child's family, in consultation with a county agency or its  
2 designee, develops a service plan to address concerns for the <--  
3 child's safety, permanency and well-being through meetings  
4 sponsored by a county agency or its designee.

5 ~~"Kin." An individual 21 years of age or older who is one of~~ <--  
6 ~~the following:~~

7 ~~(1) A godparent of the child as recognized by an~~  
8 ~~organized church.~~

9 ~~(2) A member of the child's tribe, nation or tribal~~  
10 ~~organization.~~

11 ~~(3) An individual with a significant, positive~~  
12 ~~relationship with the child or family.~~

13 "KIN." AS DEFINED IN SECTION 1302. <--

14 "Relative." As defined in section 1302.

15 "Service plan." A written plan for a family receiving  
16 children and youth social services that is developed in  
17 accordance with Department of Public Welfare regulations.  
18 Section 1303-B. Offer of family conferencing.

19 (a) General rule.--Within five years of the effective date  
20 of this article, a county agency shall offer all children and  
21 families who are accepted for service an opportunity to engage  
22 in family conferencing. Family conferencing shall be offered at  
23 least once annually as well as at key decision points that <--  
24 impact the development or revision of service plans for the  
25 child and the family. Family conferencing shall be offered until  
26 the child and the family's involvement with the county agency is  
27 terminated.

28 (b) Exceptions.--The county agency is not required to offer  
29 family conferencing in the following situations:

30 (1) The child has been adjudicated dependent pursuant to

1 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a THE <--  
2 court has made a specific determination that family  
3 conferencing does not serve the best interests of the child <--  
4 IS NOT BEST SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, <--  
5 MENTAL AND MORAL WELFARE OF THE CHILD or is a threat to the  
6 safety of the child or another family member.

7 (2) The child is not under the jurisdiction of a THE <--  
8 court and the county agency has determined that continued  
9 family ~~finding~~ CONFERENCING is a threat to the safety of the <--  
10 child or another family member. A determination that  
11 continued family ~~finding~~ CONFERENCING is a threat to the <--  
12 safety of the child or another family member must be based on  
13 credible information about a specific safety threat, and the  
14 county agency shall document the reasons for its  
15 determination.

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

19 Section 1304-B. Preparing for the family conference.

20 The county agency shall consult with the child and the <--  
21 child's parents or legal guardian to determine who they want to  
22 invite to attend the family conference. The county agency shall  
23 allow the child and the child's siblings to participate in the  
24 family conference in a manner appropriate to age and maturity.  
25 The county agency is responsible for preparing the family and  
26 child to safely participate in the family conference and  
27 identifying services available to assist the family with  
28 addressing concerns identified by the county agency or a court.  
29 This preparation shall include, but is not limited to, informing  
30 the family and the child about the purpose and the goal of the

~~1 family conference and identifying services available to assist  
2 the family with addressing concerns identified by the county  
3 agency or a court. The county agency is responsible for equally  
4 promoting maternal and paternal family involvement in the family  
5 conference.~~

6 THE COUNTY AGENCY'S RESPONSIBILITIES WHEN PREPARING FOR THE <--  
7 FAMILY CONFERENCE SHALL INCLUDE, BUT ARE NOT LIMITED TO:

8 (1) CONSULTING WITH THE CHILD AND THE CHILD'S PARENTS OR  
9 LEGAL GUARDIAN TO DETERMINE WHO THEY WANT TO INVITE TO ATTEND  
10 THE FAMILY CONFERENCE.

11 (2) ALLOWING THE CHILD AND THE CHILD'S SIBLINGS TO  
12 PARTICIPATE IN THE FAMILY CONFERENCE IN A MANNER APPROPRIATE  
13 TO AGE AND MATURITY.

14 (3) PREPARING THE FAMILY AND CHILD TO SAFELY PARTICIPATE  
15 IN THE FAMILY CONFERENCE. THIS PREPARATION INCLUDES, BUT IS  
16 NOT LIMITED TO:

17 (I) IDENTIFYING SERVICES AVAILABLE TO ASSIST THE  
18 FAMILY WITH ADDRESSING CONCERNS IDENTIFIED BY THE COUNTY  
19 AGENCY OR THE COURT.

20 (II) INFORMING THE FAMILY ABOUT THE PURPOSE AND THE  
21 GOAL OF THE FAMILY CONFERENCE AND THE IDENTIFIED SERVICES  
22 AVAILABLE TO ASSIST THEM WITH ADDRESSING THE CONCERNS FOR  
23 THE CHILD.

24 (4) EQUALLY PROMOTING MATERNAL AND PATERNAL FAMILY  
25 INVOLVEMENT IN THE FAMILY CONFERENCE.

26 (5) CONSULTING RELEVANT SERVICE PROVIDERS.

27 (6) CONSULTING AND ENGAGING THE CHILD'S GUARDIAN AD  
28 LITEM AND THE PARENT'S ATTORNEY, IF APPLICABLE.

29 Section 1305-B. Family responsibilities.

30 The family shall be responsible for the development of a

1 ~~service plan during the family conference~~ PLAN, WHICH SHALL BE <--  
2 INCORPORATED INTO THE SERVICE PLAN. The ~~service plan~~ shall <--  
3 address the concerns of safety, permanency and well-being within  
4 the family as well as other concerns which have been identified  
5 by the county agency or a THE court regarding the child. <--

6 Section 1306-B. Family discussion.

7 The family conference shall include a ~~private~~ discussion by <--  
8 the family about the available resources within the family, the  
9 community and the county agency. The family shall be responsible  
10 for determining which resources to utilize to address the  
11 concerns of safety, permanency and well-being identified by the  
12 county agency or a THE court. THE FAMILY SHALL DETERMINE WHETHER <--  
13 OR NOT TO HOLD THIS DISCUSSION IN PRIVATE. HOWEVER, IF THE CHILD  
14 IS UNDER THE JURISDICTION OF THE COURT, THE COURT MAY REQUIRE  
15 THAT THE DISCUSSION BE HELD IN PRIVATE BY THE FAMILY.

16 Section 1307-B. ~~Service plan~~ PLAN requirements. <--

17 In order for a ~~service~~ plan to take effect, it must be <--  
18 approved by the county agency ~~or a court~~. IF THE CHILD IS UNDER <--  
19 THE JURISDICTION OF THE COURT, THE PLAN MUST BE SUBMITTED TO THE  
20 COURT FOR APPROVAL. If a family is unable to develop an approved  
21 ~~service~~ plan through the family conference, the county agency <--  
22 shall determine other means to engage the family and the child,  
23 if appropriate, in the development of a ~~service~~ plan that <--  
24 addresses the concerns of safety, permanency and well-being  
25 identified by the county agency or a THE court. The county <--  
26 agency shall support the implementation of a ~~service~~ THE plan <--  
27 and attempt to ensure that the implementation of the ~~service~~ <--  
28 plan resolves the safety, permanency and well-being concerns  
29 identified by the county agency or a THE court. Reasonable <--  
30 efforts to engage the child's family in decisions regarding the

1 child's safety, permanency or well-being shall be made by the  
2 county agency on an ongoing basis until the child's involvement  
3 with the county agency is terminated.

4 Section 1308-B. Implementation of family conferencing.

5 The department shall require county agencies to gradually  
6 implement family conferencing so that county agencies are  
7 prepared to comply with this article as follows:

8 (1) Within three years of the effective date of this  
9 article, a county agency shall offer opportunity to engage in  
10 family conferencing to all children and families where the  
11 child has been placed outside the home.

12 (2) Within five years of the effective date of this  
13 article, a county agency shall offer opportunity to engage in  
14 family conferencing to all children and families who are  
15 accepted for service.

16 Section 1309-B. Regulations.

17 Within one year of the effective date of this article, the  
18 department shall promulgate regulations necessary to carry out  
19 the provisions of this article.

20 Section 2. This act shall take effect in 60 days.