

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1691 Session of  
2015

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GREINER, HARHART, THOMAS, SCHLOSSBERG, YOUNGBLOOD, IRVIN,  
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BARBIN, BOBACK, D. COSTA, BISHOP, O'NEILL, WATSON, PHILLIPS-  
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B. MILLER, WARD, VEREB, CORBIN, PASHINSKI, RAPP, HARHAI,  
MAJOR, TOOHIL, COHEN AND BENNINGHOFF, NOVEMBER 12, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 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.

16 5703. Law enforcement responsibilities.

1 § 5701. Definitions.

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

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

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

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

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

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

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

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

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

23 § 5702. County responsibilities.

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

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

30 (2) the county agency identifies as being a sex

1 trafficking victim.

2 (b) Child missing from residence or abducted.--A county  
3 agency shall report to law enforcement AND TO THE NATIONAL <--  
4 CENTER FOR MISSING AND EXPLOITED CHILDREN as soon as practicable  
5 but no later than 24 hours after receiving information about a  
6 child who is missing from the child's residence or is abducted.

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

11 § 5703. Law enforcement responsibilities.

12 ~~When law enforcement receives information from a county~~ <--  
13 ~~agency about a child who is missing from the child's residence~~  
14 ~~or is abducted under section 5702(b) (relating to county~~  
15 ~~responsibilities), law enforcement shall:~~

16 ~~(1) enter the information into the National Crime~~  
17 ~~Information Center database; and~~

18 ~~(2) inform the National Center for Missing and Exploited~~  
19 ~~Children.~~

20 WHEN LAW ENFORCEMENT RECEIVES INFORMATION FROM A COUNTY <--  
21 AGENCY ABOUT A CHILD WHO IS MISSING FROM THE CHILD'S RESIDENCE  
22 OR IS ABDUCTED UNDER SECTION 5702(B) (RELATING TO COUNTY  
23 RESPONSIBILITIES), LAW ENFORCEMENT SHALL ENTER THE INFORMATION  
24 INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE.

25 Section 2. Section 6302 of Title 42 is amended by adding  
26 definitions to read:

27 § 6302. Definitions.

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

1 "Age-appropriate or developmentally appropriate." The  
2 following:

3 (1) activities or items that are generally accepted as  
4 suitable for children of the same chronological age or level  
5 of maturity or that are determined to be developmentally  
6 appropriate for a child based on the development of  
7 cognitive, emotional, physical and behavioral capacities that  
8 are typical for an age or age group; and

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

13 \* \* \*

14 "Caregiver." A person with whom the child is placed in an  
15 out-of-home placement, including a resource family or an  
16 individual designated by a county agency or private agency. The  
17 resource family is the caregiver for any child placed with ~~that~~ <--  
18 ~~family~~ THEM. <--

19 \* \* \*

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

1     "Private agency." An entity that provides out-of-home  
2     placement services to children under a contract with a county  
3     agency.

4     \* \* \*

5     "Reasonable and prudent parent standard." The standard,  
6     characterized by careful and sensible parental decisions that  
7     maintain the health, safety and best interests of a child while  
8     encouraging the emotional and developmental growth of the child,  
9     that a caregiver must use when determining whether to allow a  
10    child in an out-of-home placement under the responsibility of  
11    the county agency to participate in extracurricular, enrichment,  
12    cultural and social activities.

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

16    \* \* \*

17    Section 3. Section 6351(e)(1), (f)(8) and (f.1)(5) of Title  
18    42 are amended and subsection (f) is amended by adding a  
19    paragraph to read:

20    § 6351. Disposition of dependent child.

21    \* \* \*

22    (e) Permanency hearings.--

23       (1) The court shall conduct a permanency hearing for the  
24       purpose of determining or reviewing the permanency plan of  
25       the child, the date by which the goal of permanency for the  
26       child might be achieved and whether placement continues to be  
27       best suited to the safety, protection and physical, mental  
28       and moral welfare of the child. In any permanency hearing  
29       held with respect to the child, the court shall consult with  
30       the child regarding the child's permanency plan, including

1 the child's desired permanency goal, in a manner appropriate  
2 to the child's age and maturity. If the court does not  
3 consult personally with the child, the court shall ensure  
4 that the views of the child regarding the permanency plan  
5 have been ascertained to the fullest extent possible and  
6 communicated to the court by the guardian ad litem under  
7 section 6311 (relating to guardian ad litem for child in  
8 court proceedings) or, as appropriate to the circumstances of  
9 the case by the child's counsel, the court-appointed special  
10 advocate or other person as designated by the court.

11 \* \* \*

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

15 \* \* \*

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

19 \* \* \*

20 (12) If the child has been placed with a caregiver,  
21 whether the child is being provided with regular, ongoing  
22 opportunities to participate in age-appropriate or  
23 developmentally appropriate activities. In order to make its <--  
24 THE determination under this paragraph, the county agency <--  
25 shall document the steps it has taken to ensure that:

26 (i) the caregiver is following the reasonable and  
27 prudent parent standard; and

28 (ii) the child has regular, ongoing opportunities to  
29 engage in age-appropriate or developmentally appropriate  
30 activities. The county agency shall consult with the

child regarding opportunities to engage in such  
activities.

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

\* \* \*

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

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

(ii) The county agency shall document:

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

(B) Its intensive, ongoing and, as of the date  
of the hearing, unsuccessful efforts to return the  
child to the child's parent, guardian or custodian or  
to secure placement for the child with a fit and <--

1 willing relative, including adult siblings, a legal  
2 guardian or an adoptive parent. BE PLACED FOR <--  
3 ADOPTION, TO BE PLACED WITH A LEGAL CUSTODIAN OR TO  
4 BE PLACED WITH A FIT AND WILLING RELATIVE.

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

7 (iii) The court shall:

8 (A) Ask the child about the desired permanency  
9 goal for the child.

10 (B) Make a judicial determination explaining  
11 why, as of the date of the hearing, another planned  
12 permanent living arrangement is the best permanency  
13 plan for the child.

14 (C) Provide compelling reasons why it continues  
15 not to be in the best interests of the child to  
16 return home TO THE CHILD'S PARENT, GUARDIAN OR <--  
17 CUSTODIAN, be placed for adoption, be placed with a  
18 legal guardian CUSTODIAN or be placed with a fit and <--  
19 willing relative.

20 \* \* \*

21 Section 4. This act shall take effect January 1, 2016, or  
22 immediately, whichever is later.