



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1076

PRINTERS NO. 1915

PRIME SPONSOR: Moul

### COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	\$0	\$0

**SUMMARY:** House Bill 1076, Printer's Number 1915, amends the Public Welfare Code to provide for family conferencing. The effective date is 60 days.

**ANALYSIS:** This legislation requires county agencies, within five years of the effective date, to offer all children and families who are accepted for service an opportunity to engage in family conferencing. Within three years of the effective date, a county agency is required to offer an opportunity to engage in family conferencing to all children and families where the child is in an out-of-home placement. Family conferencing is defined as "a child welfare practice where a child's family, in consultation with a county agency or its designee, develops a service plan to address concerns for the child's safety, permanency and well-being through meetings sponsored by a county agency or its designee." In addition, family conferencing must be offered at key decision points that impact the development or revision of service plans for the child and the family and will continue to be offered until the child and family's involvement with the county agency is terminated.

A county agency is not required to offer family conferencing under the following circumstances:

- The child has been adjudicated dependent and the court has made a specific determination that family conferencing is not best suited to the safety, protection and physical, mental and moral welfare of the child or is a threat to the safety of the child or another family member.
- The child is not under the jurisdiction of the court and the county agency has determined that continued family conferencing is a threat to the safety of the child or another family member. A determination that continued family conferencing is a threat to the safety of the child or another family member must be based on credible information about a specific safety threat, and the county agency must document the reasons for its determination.
- The child is in a preadoptive placement and the court proceedings have commenced.

The county agency's responsibilities in preparing for family conferencing include, but are not limited to:

- Consulting with the child and the child's parents or legal guardian to determine who they want to invite to attend the family conference.
- Allowing the child and the child's siblings to participate in the family conference in a manner appropriate to age and maturity.
- Preparing the family and the child to safely participate, including:
  - Identifying services available to assist the family with addressing concerns identified by the county agency or court.
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- Informing the family about the purpose and the goal of the family conference and the identified services available to assist them with addressing the concerns for the child.
- Equally promoting maternal and paternal family involvement.
- Consulting relevant service providers.
- Consulting and engaging the child's guardian ad litem and the parent's attorney, if applicable.

At the family conference, the family is responsible for the development of a plan that addresses the concerns of safety, permanency and well-being that have been identified by the county agency or court. The plan will be incorporated into the service plan for the child and family. The family will determine which resources within the family, the community and the county agency to utilize, and the family conference will include a discussion by the family about the resources available to them.

The plan must be approved by the county agency or the court, in order to take effect. If the family cannot develop an approved plan, the county agency will determine other methods to engage the family and the child in the development of the plan. The county agency will support the implementation of the plan and attempt to ensure that the plan resolves the concerns for the child.

Within one year of the bill's effective date, the Department of Public Welfare will promulgate regulations necessary to carry out the provisions of the bill.

**FISCAL IMPACT:** According to the Department and the Administrative Office of the Courts, many county agencies are already offering and providing family conferencing. A number of county agencies contract out for this service and some have established units within the agency. Due to the fact that the bill does not require county agencies to engage in the practice of offering services until FY2015-16 and in FY2017-18, there is no adverse impact to the Commonwealth in FY2013-14. Any expense related to the Department promulgating regulations for the bill's implementation can be absorbed within their existing budget. It is difficult to determine an estimate for implementation as the bill only requires that the service be "offered"; however, it is assumed the county agencies will experience an increase in costs related to their responsibilities in preparing for the conference. It should be noted though, according to the department, effective family conferencing can result in significant savings as it relates to a decrease in out-of-home placements.

**PREPARED BY:** Janelle Lynch  
House Appropriations Committee (R)

**DATE:** June 10, 2013

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*