



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 477

PRINTERS NO. 2410

PRIME SPONSOR: Hickernell

COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY: House Bill 477, Printer's Number 2410, creates the Activities and Experiences for Children in Out-of-Home Placements Act. This legislation is effective immediately.

ANALYSIS: This legislation authorizes the caregivers of children and youth who are in out-of-home placement (i.e., foster care) to approve or disapprove their foster child's participation in age-appropriate or developmentally appropriate extracurricular, enrichment, cultural or social activities without prior approval or disapproval of that participation from the county child welfare agency, private placement agency, or the court, as long as that decision does not conflict with any applicable court order and service plan. HB 477 brings Pennsylvania into compliance with provisions of the federal Preventing Sex Trafficking and Strengthening Families Act, which was enacted Sept. 29, 2014 and requires states to be in compliance by Jan. 1, 2016.

HB 477 requires that the Department of Human Services' Office of Children, Youth and Families (OCYF) shall:

- Require, as a condition of licensure for county and private agency foster family care agencies and facilities providing out-of-home placements, the development of standards and training related to applying a "reasonable and prudent parent standard" in decision making.
- Verify annually that county and private agencies providing out-of-home placement are promoting and protecting a foster child's ability to participate in age-appropriate activities, have implemented policies consistent with this legislation and documenting that required training has been provided to caregivers.
- Develop standards and a process by which individuals employed by facilities providing out-of-home placements are designated to make decisions for children based on the reasonable and prudent parent standard.
- Develop a template for the required training related to the reasonable and prudent parental standard.
- Work with interested parties, including children, to develop age-appropriate written materials that explain the requirements of this act.

HB 477 requires county child welfare agencies to:

- Ensure that all county-operated out-of-home placement facilities, other than resource families, designate an individual to provide decision-making authority under the reasonable and prudent parent standard for children residing in their care. In applying that standard, the designated individual should consult with county caseworkers or staff members who are most familiar with the child in applying the standard.
- Ensure that contracts for purchased services between the county and a private agency that operates an out-of-home placement setting, other than resource family home, includes the requirement to designate an individual to provide decision-making authority under the reasonable and prudent parent standard for children residing in their care. In applying the standard, the designated individual should consult with county and private agency caseworkers or staff members who are most familiar with the child in applying the standard.
- Ensure that contracts for purchased services between the county and a private agency include a requirement for the private agency to provide training and monitoring of resource families regarding the application and use of the reasonable and prudent parent standard.
- Provide training and monitoring of county agency resource families regarding the application and use of the reasonable and prudent parent standard.
- Ensure that the child's service plan provides the opportunity to participate in age-appropriate or developmentally appropriate activities and experiences to the greatest extent possible to promote healthy child and adolescent development.

HB 477 also requires the appropriate county agency to provide a caregiver with written notification of the caregiver's responsibilities and rights under this legislation. The agency shall also provide a child in out-of-home placement with a written explanation of the child's rights and the requirements of this legislation in a manner appropriate to the child's age, development and maturity at the initial placement, for any subsequent move and at least annually as part of the family service and permanency planning process.

The reasonable and prudent parent standard training must be completed as follows:

- Current caregivers must complete the training by December 31, 2015.
- Individuals who become caregivers after the effective date of this act must complete training prior to a child's placement, unless there is an emergency placement.
- Within 60 days for a child placed in an emergency placement after the effective date of this act.

FISCAL IMPACT: HB 477 requires the Department of Human Services' Office of Children, Youth and Families to develop the reasonable and prudent parent standard training and verify

that county and private agencies providing out-of-home placements are complying with this legislation. These departmental activities are not anticipated to result in a need for increased funding. This legislation also places additional requirements on county agencies as outlined above; however, these activities are not anticipated to have a material fiscal impact.

PREPARED BY: Ann Bertolino
House Appropriations Committee (R)

DATE: October 21, 2015

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