
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 596 Session of
2011

INTRODUCED BY BISHOP, TALLMAN, JOHNSON, WHEATLEY, VULAKOVICH,
YOUNGBLOOD, BROWNLEE, V. BROWN, BOBACK, MURT AND CRUZ,
FEBRUARY 10, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 10, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further providing for definitions and for disposition of
4 dependent child; and providing for termination of
5 jurisdiction.

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

8 Section 1. Section 6302 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 6302. Definitions.

11 The following words and phrases when used in this chapter
12 shall have, unless the context clearly indicates otherwise, the
13 meanings given to them in this section:

14 * * *

15 "Transition plan." A plan that is prepared by a county
16 agency in accordance with section 6351.2(b) (relating to
17 termination of jurisdiction) and that is developed by a county
18 agency in cooperation with the child and other individuals
19 identified by the county agency, the child and the child's

1 guardian ad litem or legal counsel to assist the child in making
2 a transition to independence.

3 Section 2. Section 6351(e) (3) and (f) (8) of Title 42 are
4 amended and subsections (e) and (f.1) are amended by adding
5 paragraphs to read:

6 § 6351. Disposition of dependent child.

7 * * *

8 (e) Permanency hearings.--

9 * * *

10 (3) The court shall conduct permanency hearings as
11 follows:

12 (i) Within six months of:

13 (A) the date of the child's removal from the
14 child's parent, guardian or custodian for placement
15 under section 6324 (relating to taking into custody)
16 or 6332 or pursuant to a transfer of temporary legal
17 custody or other disposition under subsection (a) (2),
18 whichever is the earliest; [or]

19 (B) each previous permanency hearing until the
20 child is returned to the child's parent, guardian or
21 custodian or removed from the jurisdiction of the
22 court[.]; or

23 (C) the date on which the child reaches 18 years
24 of age.

25 (ii) Within 30 days of:

26 (A) an adjudication of dependency at which the
27 court determined that aggravated circumstances exist
28 and that reasonable efforts to prevent or eliminate
29 the need to remove the child from the child's parent,
30 guardian or custodian or to preserve and reunify the

1 family need not be made or continue to be made;

2 (B) a permanency hearing at which the court
3 determined that aggravated circumstances exist and
4 that reasonable efforts to prevent or eliminate the
5 need to remove the child from the child's parent,
6 guardian or custodian or to preserve and reunify the
7 family need not be made or continue to be made and
8 the permanency plan for the child is incomplete or
9 inconsistent with the court's determination;

10 (C) an allegation that aggravated circumstances
11 exist regarding a child who has been adjudicated
12 dependent, filed under section 6334(b) (relating to
13 petition); or

14 (D) a petition alleging that the hearing is
15 necessary to protect the safety or physical, mental
16 or moral welfare of a dependent child.

17 (4) If the court determines that a child shall remain
18 under the jurisdiction of the court pursuant to the
19 definition of "child" in section 6302, the court shall
20 continue to schedule permanency hearings in accordance with
21 this section until court jurisdiction is terminated, but no
22 later than when the child reaches 21 years of age.

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

26 * * *

27 (8) The services needed to assist a child who is 16
28 years of age or older to make the transition to independent
29 living, including a transition plan if one is required.

30 * * *

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

5 * * *

6 (6) Whether the child will remain under the jurisdiction
7 of the court after the child reaches 18 years of age and the
8 duration of the court's jurisdiction, which in no case shall
9 continue once the child reaches 21 years of age.

10 * * *

11 Section 3. Title 42 is amended by adding a section to read:
12 § 6351.2. Termination of jurisdiction.

13 (a) Court hearing.--A court hearing shall be held to
14 terminate the court's jurisdiction over a dependent child who is
15 18 years of age or older. At the hearing, the court shall
16 determine if the county agency did the following:

17 (1) held a transition plan meeting to develop a
18 transition plan; and

19 (2) prepared a transition plan.

20 (b) Transition plan.--A transition plan shall be
21 personalized at the direction of the child and shall include
22 specific plans for housing, health insurance, education,
23 opportunities for mentors and continuing support services, work
24 force supports and employment services. The plan shall be
25 prepared at least 180 days immediately prior to the date on
26 which the child will reach 18 years of age or, if the court has
27 extended jurisdiction for a child who is 18 years of age or
28 older, then 180 days immediately prior to the anticipated
29 termination of jurisdiction. It shall verify that the following
30 information, documents and services have been provided to the

1 child:

2 (1) Written information concerning the child's
3 dependency plan, including:

4 (i) the child's family history and placement
5 history;

6 (ii) the whereabouts of any siblings under the
7 jurisdiction of the juvenile court, unless the court
8 determines that sibling contact would jeopardize the
9 safety or welfare of the child or sibling; and

10 (iii) the date on which the jurisdiction of the
11 juvenile court would be terminated.

12 (2) The following documents:

13 (i) Social Security card.

14 (ii) Certified birth certificate.

15 (iii) Immunization and health records.

16 (iv) Education records.

17 (v) Documentation of the dates that the child was
18 under the jurisdiction of the court.

19 (vi) If applicable, proof of citizenship or
20 residence.

21 (vii) Driver's license or State identification card.

22 (3) Evidence that the child has received assistance in
23 completing an application for medical assistance or other
24 health insurance.

25 (4) In cases where the county agency is aware that the
26 child has or may need behavioral health services,
27 documentation that:

28 (i) The child has been referred to the county mental
29 health program established pursuant to the act of October
30 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the

1 Mental Health and Mental Retardation Act of 1966.

2 (ii) An assessment of current mental health needs
3 has been completed by a mental health professional.

4 (iii) If appropriate, a case manager through the
5 county mental health program has been assigned to the
6 child.

7 (iv) If the assessment reveals a need for services,
8 an interagency meeting has occurred among the child, any
9 family members or individuals identified as important to
10 the child, the child's county agency caseworker, the
11 child's county mental health case manager, if any, a
12 representative of the county adult mental health system,
13 any service providers and other individuals with
14 expertise on relevant systems who can assist in
15 developing a written plan that identifies appropriate
16 services for the child's transition from the court's
17 jurisdiction.

18 (v) Services recommended through the assessment and
19 agreed upon during the interagency meeting described in
20 subparagraph (iv), and included in the written plan, were
21 made available on or before the planned discharge date,
22 unless the services were applied for in a timely manner
23 and there is an explanation as to why services could not
24 be made available before discharge.

25 (5) In cases where the child has been identified as
26 having mental retardation, documentation that:

27 (i) The child has been registered with the county
28 mental retardation program established by the Mental
29 Health and Mental Retardation Act of 1966.

30 (ii) A service coordinator has been assigned to the

1 child by the county mental retardation program.

2 (iii) A Supports Intensity Scale (SIS) or similar
3 tool has been completed as developed by the Department of
4 Public Welfare.

5 (iv) A current Prioritization of Urgency of Need for
6 Services (PUNS) or successor form has been completed as
7 developed by the Department of Public Welfare.

8 (v) An interagency meeting to plan for the child's
9 transition from the jurisdiction of the court occurred at
10 least one year before the planned date of discharge, or
11 at the earliest time possible if the child's discharge
12 date is set for less than one year from the date it is
13 recorded in the child's permanency plan, and that the
14 meeting included the child, any family members or
15 individuals identified as important to the child, the
16 county agency caseworker, a provider of mental
17 retardation services familiar with the child, the child's
18 caseworker from the county mental retardation program,
19 the child's supports coordinator, a representative from
20 the Department of Public Welfare's developmental programs
21 and representatives from appropriate educational
22 programs.

23 (6) In cases where the child has autism, documentation
24 that:

25 (i) The Bureau of Autism Services in the Department
26 of Public Welfare was notified of the planned discharge
27 at least one year prior to the child's planned discharge
28 date recorded on the child's permanency plan or at the
29 earliest time possible if the child's discharge date is
30 set for less than one year from the date it is recorded

1 in the child's permanency plan.

2 (ii) The child's needs have been assessed and all
3 appropriate services and waivers have been applied for.

4 (iii) An interagency meeting to plan for the child's
5 transition from the jurisdiction of the court occurred at
6 least one year before the planned date of discharge, or
7 at the earliest time possible if the child's discharge
8 date is set for less than one year from the date it is
9 recorded in the child's permanency plan, and that the
10 meeting included the child, any family members or
11 individuals identified as important to the child, the
12 county agency caseworker, a representative from the
13 Department of Public Welfare responsible for
14 developmental programs and representatives from
15 appropriate educational programs.

16 (7) In cases where the child has a physical disability,
17 documentation that the county agency has notified appropriate
18 agencies that administer home-based and community-based
19 wavers under the medical assistance program for adults with
20 disabilities of the child's planned discharge and that an
21 assessment has been made whether the child may be eligible
22 for any waiver by the county agency and that an appropriate
23 application has been submitted at least six months prior to
24 the planned discharge recorded in the child's permanency plan
25 or the earliest time possible if the child's discharge date
26 is set for less than six months from the date it is recorded
27 in the child's permanency plan.

28 (8) A description of the child's suitable housing plan.

29 (9) Documentation that the child has a source of income
30 through employment or other legitimate means, which shall not

1 include public benefits unless the child has been determined
2 to be unable to work due to a disability.

3 (10) Documentation of the child's education plan and
4 that assistance has been provided in applying for admission
5 to college, a vocational training program or other
6 educational institution and in obtaining financial aid.

7 (11) Documentation that the county agency assisted the
8 child in identifying individuals who can support the child in
9 the child's transition to adulthood, including the child's
10 biological parents and relatives, especially where
11 appropriate, and adults who can serve as mentors.

12 (12) Documentation that the county agency has made
13 reasonable efforts to achieve permanency for the child,
14 including arranging for all available services and resources.

15 (13) Documentation that an application for Supplemental
16 Security Income (SSI) benefits has been submitted for any
17 child with a disability 90 days prior to the child's
18 discharge from the court's jurisdiction.

19 (14) Documentation that the child has been informed by
20 the county agency that the child may request the court to
21 continue jurisdiction and that the child may request that the
22 court resume jurisdiction prior to when the child attains 21
23 years of age in accordance with this chapter.

24 (c) Continued jurisdiction related to plan.--The court shall
25 continue jurisdiction if the court determines that the county
26 agency has not met the requirements of subsection (b), in which
27 case the court shall order continued jurisdiction for a period
28 of time in order that the county agency meet the requirements.

29 Section 4. This act shall take effect in one year.