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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 597 Session of  
2011

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

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 10, 2011

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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. The definition of "child" in section 6302 of  
9 Title 42 of the Pennsylvania Consolidated Statutes is amended to  
10 read:

11 § 6302. Definitions.

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

15 \* \* \*

16 "Child." An individual who:

17 (1) is under the age of 18 years;

18 (2) is under the age of 21 years who committed an act of  
19 delinquency before reaching the age of 18 years; or

1           (3) is under the age of 21 years, was adjudicated  
2 dependent before reaching the age of 18 years and [who, while  
3 engaged in a course of instruction or treatment, requests the  
4 court to retain jurisdiction until the course has been  
5 completed, but in no event shall a child remain in a course  
6 of instruction or treatment past the age of 21 years] for  
7 whom court jurisdiction has been continued or resumed  
8 pursuant to this chapter.

9           \* \* \*

10          Section 2. Section 6351(e) (3), (f) and (g) of Title 42,  
11 amended November 23, 2010 (P.L. , No.115), are amended and  
12 subsections (e) and (f.1) are amended by adding paragraphs to  
13 read:

14 § 6351. Disposition of dependent child.

15           \* \* \*

16          (e) Permanency hearings.--

17           \* \* \*

18          (3) The court shall conduct permanency hearings as  
19 follows:

20           (i) Within six months of:

21                   (A) the date of the child's removal from the  
22 child's parent, guardian or custodian for placement  
23 under section 6324 (relating to taking into custody)  
24 or 6332 or pursuant to a transfer of temporary legal  
25 custody or other disposition under subsection (a) (2),  
26 whichever is the earliest; [or]

27                   (B) each previous permanency hearing until the  
28 child is returned to the child's parent, guardian or  
29 custodian or removed from the jurisdiction of the  
30 court[.]; or

1                   (C) the date on which the child reaches 18 years  
2                   of age.

3                   (ii) Within 30 days of:

4                   (A) an adjudication of dependency at which the  
5                   court determined that aggravated circumstances exist  
6                   and that reasonable efforts to prevent or eliminate  
7                   the need to remove the child from the child's parent,  
8                   guardian or custodian or to preserve and reunify the  
9                   family need not be made or continue to be made;

10                  (B) a permanency hearing at which the court  
11                  determined that aggravated circumstances exist and  
12                  that reasonable efforts to prevent or eliminate the  
13                  need to remove the child from the child's parent,  
14                  guardian or custodian or to preserve and reunify the  
15                  family need not be made or continue to be made and  
16                  the permanency plan for the child is incomplete or  
17                  inconsistent with the court's determination;

18                  (C) an allegation that aggravated circumstances  
19                  exist regarding a child who has been adjudicated  
20                  dependent, filed under section 6334(b) (relating to  
21                  petition); or

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

25                  (4) If the court determines that the conditions for  
26                  extension of court jurisdiction enumerated in subsection  
27                  (f.1)(6) are met, the court shall continue to schedule  
28                  permanency hearings in accordance with this section until  
29                  court jurisdiction is terminated, but no later than when the  
30                  child reaches 21 years of age.

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

4 (1) The continuing necessity for and appropriateness of  
5 the placement.

6 (2) The appropriateness, feasibility and extent of  
7 compliance with the permanency plan developed for the child.

8 (3) The extent of progress made toward alleviating the  
9 circumstances which necessitated the original placement.

10 (4) The appropriateness and feasibility of the current  
11 placement goal for the child.

12 (5) The likely date by which the placement goal for the  
13 child might be achieved.

14 (5.1) Whether reasonable efforts were made to finalize  
15 the permanency plan in effect.

16 (6) Whether the child is safe.

17 (7) If the child has been placed outside the  
18 Commonwealth, whether the placement continues to be best  
19 suited to the safety, protection and physical, mental and  
20 moral welfare of the child.

21 (8) The services needed to assist a child who is 16  
22 years of age or older to make the transition to independent  
23 living.

24 (9) If the child has been in placement for at least 15  
25 of the last 22 months or the court has determined that  
26 aggravated circumstances exist and that reasonable efforts to  
27 prevent or eliminate the need to remove the child from the  
28 child's parent, guardian or custodian or to preserve and  
29 reunify the family need not be made or continue to be made,  
30 whether the county agency has filed or sought to join a

1 petition to terminate parental rights and to identify,  
2 recruit, process and approve a qualified family to adopt the  
3 child unless:

4 (i) the child is being cared for by a relative best  
5 suited to the physical, mental and moral welfare of the  
6 child;

7 (ii) the county agency has documented a compelling  
8 reason for determining that filing a petition to  
9 terminate parental rights would not serve the needs and  
10 welfare of the child; or

11 (iii) the child's family has not been provided with  
12 necessary services to achieve the safe return to the  
13 child's parent, guardian or custodian within the time  
14 frames set forth in the permanency plan.

15 (10) If a sibling of a child has been removed from his  
16 home and is in a different placement setting than the child,  
17 whether reasonable efforts have been made to place the child  
18 and the sibling of the child together or whether such joint  
19 placement is contrary to the safety or well-being of the  
20 child or sibling.

21 (11) If the child has a sibling, whether visitation of  
22 the child with that sibling is occurring no less than twice a  
23 month, unless a finding is made that visitation is contrary  
24 to the safety or well-being of the child or sibling.

25 (12) If the child who meets the conditions set forth in  
26 subsection (f.1) (6) has:

27 (i) (A) been informed that the child may request  
28 the court to continue jurisdiction after the child  
29 reaches 18 years of age and that the child may  
30 request the court resume jurisdiction any time prior

1           to when the child reaches 21 years of age if  
2           discharged from the court's jurisdiction; and  
3           (B) requested that the court's jurisdiction be  
4           continued after the child reaches 18 years of age,  
5           but in no circumstances beyond 21 years of age, on  
6           the basis that the child meets any of the conditions  
7           set forth in subsection (f.1) (6).

8           (ii) been informed of services available to the  
9           child if the child remains under the jurisdiction of the  
10          court.

11 For children placed in foster care on or before November 19,  
12 1997, the county agency shall file or join a petition for  
13 termination of parental rights under this subsection in  
14 accordance with section 103(c) (2) of the Adoption and Safe  
15 Families Act of 1997 (Public Law 105-89, 111 Stat. 2119).

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

20           \* \* \*

21       (6) Whether the child will remain under the jurisdiction  
22       of the court after the child reaches 18 years of age and the  
23       duration of the court's jurisdiction, which in no case shall  
24       continue once the child reaches 21 years of age, based on a  
25       determination by the court that the child meets any of the  
26       following conditions:

27           (i) is completing a secondary education program or a  
28           program leading to an equivalent credential;

29           (ii) is enrolled in an institution that provides  
30           postsecondary or vocational education;

1           (iii) is participating in a program or activity  
2           designed to promote employment or remove barriers to  
3           employment;

4           (iv) is employed for at least 80 hours per month; or  
5           (v) is incapable of doing any of the activities  
6           described in subparagraph (i), (ii), (iii) or (iv) due to  
7           a medical or behavioral health condition, which  
8           incapability is supported by regularly updated  
9           information in the case plan of the child.

10       \* \* \*

11       (g) Court order.--On the basis of the determination made  
12 under subsection (f.1), the court shall order the continuation,  
13 modification or termination of placement or other disposition  
14 which is best suited to the safety, protection and physical,  
15 mental and moral welfare of the child, including continuation of  
16 jurisdiction over a child who is determined to meet one of the  
17 conditions enumerated in subsection (f.1) (6).

18       \* \* \*

19       Section 3. Title 42 is amended by adding a section to read:  
20 § 6351.2. Termination of or continued jurisdiction.

21       (a) Court hearing.--A court hearing shall be held to  
22 terminate the court's jurisdiction over a dependent child who is  
23 18 years of age or older. At the hearing, the court shall  
24 determine if the county agency has identified services needed to  
25 assist the child to make the transition to independent living.

26       (b) Continued jurisdiction.--The court shall continue  
27 jurisdiction if the court determines that the county agency has  
28 not determined the services that are needed for the child to  
29 make the transition to independent living. The court shall order  
30 continued jurisdiction for a period of time in order for the

1 county agency to comply with this requirement.

2 (d) Petition to resume jurisdiction.--

3 (1) At any time prior to a child reaching 21 years of  
4 age, a child for whom dependency jurisdiction was terminated  
5 when the child was 18 years of age or older may request that  
6 the court resume dependency jurisdiction if the child meets  
7 any one of the conditions enumerated in section 6351(f.1.) (6)  
8 (relating to disposition of dependent child).

9 (2) A petition can be filed in the county wherein the  
10 child was formerly adjudicated dependent as follows:

11 (i) Upon the child's request to the county agency to  
12 resume dependency jurisdiction, the county agency shall  
13 file a petition with the court pursuant to section 6334  
14 (relating to petition) for an adjudication that court  
15 jurisdiction shall be resumed.

16 (ii) The child's guardian ad litem or legal counsel  
17 appointed prior to the child's discharge from the  
18 jurisdiction of the court may file a petition at the  
19 request of the child.

20 (iii) If the child contacts the court directly and  
21 requests that a petition to resume court jurisdiction be  
22 filed, the court shall make available sample petitions to  
23 the child.

24 (3) A hearing on the petition shall be scheduled in  
25 accordance with section 6335 (relating to release or holding  
26 of hearing).

27 (4) The court shall appoint a guardian ad litem or legal  
28 counsel for the child pursuant to section 6311 (relating to  
29 guardian ad litem for child in court proceedings) and section  
30 6337 (relating to right to counsel) in any proceeding under



1 this chapter. If possible, the court shall appoint the  
2 guardian ad litem or legal counsel who represented the child  
3 in a prior dependency proceeding.

4 (5) If the court resumes jurisdiction of the child,  
5 permanency review hearings shall be scheduled in accordance  
6 with section 6351 until court jurisdiction is terminated, but  
7 no later than when the child attains 21 years of age.

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