

**FAMILY PRESERVATION ACT**  
**Act of Jul. 7, 1989, P.L. 218, No. 35**  
AN ACT

Cl. 67

Providing for the establishment of a Family Preservation Program by the Department of Public Welfare; and providing for grants to counties for programs enabling children who would otherwise be subject to out-of-home placement to remain at home.

**Compiler's Note:** The Department of Public Welfare, referred to in this act, was redesignated as the Department of Human Services by Act 132 of 2014.

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

Section 1. Short title.

This act shall be known and may be cited as the Family Preservation Act.

Section 2. Legislative findings and declarations of policy.

(a) Findings.--The General Assembly finds and declares that:

(1) The family is the basic institution in society in which our children's sense of self-esteem and positive self-image are developed and nurtured. These feelings and values are essential to a healthy, productive and independent life during adulthood.

(2) Dependent children are separated from their families through out-of-home placement in foster care or group home programs.

(3) Such out-of-home placement deprives children of the unique bond which exists in the parent-child relationship, leaving emotional scars on such children which may never fully heal.

(4) Despite the best efforts of county children and youth agencies to select appropriate foster care families, and despite the deep commitment to these children given by many foster parents, children are better off emotionally when their needs can be met by their biological parents.

(5) The average length of stay in foster care in Pennsylvania is three and one-half years at an average cost of \$19,250 per child.

(b) Declarations.--It is therefore the policy of this Commonwealth that:

(1) The unique bond which exists between parent and child must be recognized as fundamental to the growth and development of children.

(2) The treatment of neglected and abused children must include a commitment to strengthening the families of these children through the intensive application of social services and family therapy.

Section 3. Definitions.

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

"Administrator." The administrator of a county children and youth agency, as authorized by the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"County." A county or institution district responsible for administering child welfare programs and services under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"Department." The Department of Public Welfare of the Commonwealth.

**Compiler's Note:** The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

**Compiler's Note:** The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 4. Family Preservation Program.

(a) Establishment.--The department, through grants to counties, shall establish and supervise a program, to be known as the Family Preservation Program, which will provide intensive intervention services to families whose children are at risk of immediate out-of-home placement under the custody of a county children and youth agency.

(b) Purpose.--The Family Preservation Program shall be designed to preserve families through the creation, within families, of positive, long-term changes which will enable children who are victims of neglect or abuse or whose parents lack the ability to control their child's behavior without in-home family support to remain with their families, thereby reducing the more expensive and potentially psychologically damaging incidence of out-of-home placement in foster care or group homes.

(c) Grants to counties.--The department shall award grants to counties without any county matching fund requirements to provide financial support for the development and implementation of Family Preservation Programs. During the initial phase-in period of this program, such grants will be awarded by the department to counties on an open competitive basis, after review of proposals submitted to the department by interested counties. Counties, acting through their children and youth agencies, may operate these programs directly with county employees or may contract with other public or private agencies as may be appropriate to provide family preservation services.

(d) Eligible families.--Only those families, as determined by the county children and youth administration, in which one or more children are at imminent risk of separation from their families through placement in foster care, a group home or other appropriate facility are eligible to receive family preservation services. All members of the families who accept such services shall be responsible for cooperating fully with the Family Preservation Plan developed for each family under subsection (e)(4). Families in which children are at imminent risk of sexual abuse or physical endangerment perpetrated by a member of their immediate household are not eligible to receive family preservation services.

(e) Delivery of family preservation services.--Services delivered to eligible families under this program must be provided in accordance with the following requirements:

(1) Intensity of services.--Each family preservation caseworker will provide services to a maximum of five families at any given time. At least three of the five families must be in their last month of service.

(2) Duration of service.--Each family will normally receive intensive family preservation service, beginning with the crisis of imminent risk of placement of one or more children, for six to eight weeks, with a maximum of three months of service for all eligible families.

(3) Accessibility of services.--Family preservation services will normally be provided in the family's home and community consistent with the needs of family members. Family preservation caseworkers shall be normally available by telephone and on call for visits to families at all times during the period of service to each family.

(4) Family Preservation Plan.--Within the first week of initiating family preservation services, the family preservation caseworker shall develop, after thorough consultation with the family receiving such service, a Family Preservation Plan which shall clearly state the specific goals and priorities, and approaches to be utilized to reach these goals, for the time-limited duration of these services.

(f) Qualifications of family preservation workers.--

(1) A public or private agency staff member who provides direct service to eligible families in this program must possess a bachelor's degree in a human service-related field and five years' experience providing direct services to children, youth or their families, or possess a master's degree in a human service-related field with one year's experience. A person who supervises caseworkers who provide the direct services to eligible families must possess a master's degree in a human service-related field and have at least one year of supervisory experience or must possess a bachelor's degree in a human service-related field and have at least five years of supervisory experience.

(2) Caseworkers and paraprofessional program staff must also successfully complete at least 40 hours of intensive training prior to providing direct service under this program. Program supervisors and caseworkers must thereafter complete at least 40 hours of additional training each year in accordance with standards established by the department.

(g) Coordination.--The department shall ensure that counties administering Family Preservation Programs take the steps necessary to coordinate the service provided under this act with services available through other State and county human service agencies appropriate to the needs of families receiving service under this act. Administrators shall be responsible for ensuring coordination with related human services such as mental health and drug and alcohol programs also administered through county agencies.

Section 5. Powers and duties of department.

(a) Quality assurance.--In order to ensure the orderly development and implementation of high-quality services to Pennsylvania families under this program, the department shall be responsible for providing information, technical assistance and training to county personnel who may be responsible for developing, administering and overseeing the delivery of family preservation services. The department shall disseminate among all counties detailed information concerning program models, service delivery methods, staff recruitment and training, and other components of family preservation services which the department has determined to be particularly effective in ensuring well-managed, high-quality services.

(b) Program evaluation.--On or before November 1 following the effective date of this act, and on or before that date in every succeeding year, the department shall provide a report covering the preceding fiscal year to the Secretary of the Senate and the Chief Clerk of the House of Representatives for distribution to members of the General Assembly. The report shall provide an evaluation of the effectiveness of the program throughout this Commonwealth in meeting the stated purposes of

this act. The annual report shall contain, but not be limited to, the following information for each county participating in this program and Statewide:

(1) The number of families receiving service through this program.

(2) The number of children at risk of placement prior to initiation of service in families receiving service through this program.

(3) Among those children in paragraph (2), the number of children placed in foster care, in group homes and in other facilities outside their homes and families.

(4) The average cost of the service provided under this act to families receiving service through this program.

(5) The estimated cost of out-of-home placement, through foster care, group homes or other facilities, which would otherwise have been expended on behalf of these children at risk of placement who successfully remain united with their families as a result of service provided through this program, based on average lengths of stay and average cost of such out-of-home placements.

(6) The number of children who remain unified with their families for one, two and three years after receiving services under this program.

(7) An overall statement of the progress of these programs during the preceding year, along with recommendations for improvements.

Section 6. Effective date.

This act shall take effect July 1, 1989.