

JUDICIAL CODE (42 PA.C.S.) - JUVENILE MATTERS AND DISPOSITION OF
DEPENDENT CHILD

Act of Nov. 23, 2010, P.L. 1140, No. 115

Cl. 42

Session of 2010

No. 2010-115

HB 2258

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for disposition of dependent child.

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

Section 1. Section 6351(b) of Title 42 of the Pennsylvania Consolidated Statutes is amended, subsection (f) is amended by adding paragraphs and the section is amended by adding a subsection to read:

§ 6351. Disposition of dependent child.

* * *

(b) Required preplacement findings.--Prior to entering any order of disposition under subsection (a) that would remove a dependent child from his home, the court shall enter findings on the record or in the order of court as follows:

(1) that continuation of the child in his home would be contrary to the welfare, safety or health of the child; and

(2) whether reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from his home, if the child has remained in his home pending such disposition; or

(3) if preventive services were not offered due to the necessity for an emergency placement, whether such lack of services was reasonable under the circumstances; or

(4) if the court has previously determined pursuant to section 6332 (relating to informal hearing) that reasonable efforts were not made to prevent the initial removal of the child from his home, whether reasonable efforts are under way to make it possible for the child to return home[.]; and

(5) if the child has a sibling who is subject to removal from his home, whether reasonable efforts were made prior to the placement of the child to place the siblings together or whether such joint placement is contrary to the safety or well-being of the child or sibling.

The court shall not enter findings under paragraph (2), (3) or (4) if the court previously determined that aggravated circumstances exist and no new or additional reasonable efforts to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family are required.

(b.1) Visitation for child and sibling.--If a sibling of a child has been removed from his home and is in a different placement setting than the child, the court shall enter an order that ensures visitation between the child and the child's sibling no less than twice a month, unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling.

* * *

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

* * *

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

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

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Section 2. This act shall take effect in 60 days.

APPROVED--The 23rd day of November, A.D. 2010.

EDWARD G. RENDELL