
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 649 Session of
2019

INTRODUCED BY MOUL, ZIMMERMAN, PICKETT AND MILLARD,
MARCH 1, 2019

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 1, 2019

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for family
4 conferencing.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Human Services Code, is amended by adding an article to
9 read:

10 ARTICLE XIII-B

11 FAMILY CONFERENCING

12 Section 1301-B. Scope of article.

13 This article relates to family conferencing.

14 Section 1302-B. Definitions.

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

18 "Accept for service." Decide on the basis of the needs and
19 problems of an individual to admit or receive the individual as

1 a client of the county agency or as required by a court order
2 entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

3 "Child." An individual who:

4 (1) is under 18 years of age; or

5 (2) is under 21 years of age and who attained 13 years
6 of age before the subsidized permanent legal custodianship
7 agreement became effective and who is:

8 (i) completing secondary education or an equivalent
9 credential;

10 (ii) enrolled in an institution which provides
11 postsecondary or vocational education;

12 (iii) participating in a program actively designed
13 to promote or remove barriers to employment;

14 (iv) employed for at least 80 hours per month; or

15 (v) incapable of doing any of the activities
16 described in subparagraph (i), (ii), (iii) or (iv) due to
17 a medical or behavioral health condition, which is
18 supported by regularly updated information in the
19 permanency plan of the child.

20 "Children and youth social services." Public child welfare
21 services, including those activities or services designed to:

22 (1) Prevent neglect, abuse and exploitation and help
23 overcome problems that result in dependency and delinquency.

24 (2) Provide services which protect children from
25 continued harm to families in their own homes.

26 (3) Provide temporary, substitute care in foster family
27 homes or residential child care facilities for a child in
28 need of care.

29 (4) Reunite children and their families if children are
30 placed in temporary substitute care.

1 (5) Provide a permanent, legally assured family for
2 children in temporary, substitute care who cannot be returned
3 to their homes.

4 (6) Provide court-ordered care or supervision to alleged
5 or adjudicated dependent or delinquent children.

6 "County agency." As defined in section 1302.

7 "Family." A child's parents, stepparents, relatives and kin.

8 "Family conferencing." A child welfare practice where a
9 child's family, in consultation with a county agency or its
10 designee, develops a plan to address concerns for the child's
11 safety, permanency and well-being through meetings sponsored by
12 a county agency or its designee.

13 "Kin." An individual 21 years of age or older who is one of
14 the following:

15 (1) A godparent of the child as recognized by an
16 organized church.

17 (2) A member of the child's tribe, nation or tribal
18 organization.

19 (3) An individual with a significant, positive
20 relationship with the child or family.

21 "Relative." An individual who is:

22 (1) Related within the fifth degree of consanguinity or
23 affinity to the parent or stepparent of a child.

24 (2) At least 21 years of age.

25 "Service plan." A written plan for a family receiving
26 children and youth social services that is developed in
27 accordance with department regulations.

28 Section 1303-B. Offer of family conferencing.

29 (a) General rule.--Within five years of the effective date
30 of this article, a county agency shall offer all children and

1 families who are accepted for service an opportunity to engage
2 in family conferencing. Family conferencing shall be offered at
3 key decision points that impact the development or revision of
4 service plans for the child and the family. Family conferencing
5 shall be offered until the child and the family's involvement
6 with the county agency is terminated.

7 (b) Exceptions.--The county agency is not required to offer
8 family conferencing in the following situations:

9 (1) The child has been adjudicated dependent under 42
10 Pa.C.S. Ch. 63 (relating to juvenile matters) and the court
11 has made a specific determination that family conferencing is
12 not best suited to the safety, protection and physical,
13 mental and moral welfare of the child or is a threat to the
14 safety of the child or another family member.

15 (2) The child is not under the jurisdiction of the court
16 and the county agency has determined that continued family
17 conferencing is a threat to the safety of the child or
18 another family member. A determination that continued family
19 conferencing is a threat to the safety of the child or
20 another family member must be based on credible information
21 about a specific safety threat, and the county agency shall
22 document the reasons for its determination.

23 (3) The child is in a preadoptive placement, and court
24 proceedings to adopt the child have been commenced under 23
25 Pa.C.S. Pt. III (relating to adoption).

26 Section 1304-B. Preparing for the family conference.

27 The county agency's responsibilities when preparing for the
28 family conference shall include, but are not limited to:

29 (1) Consulting with the child and the child's parents or
30 legal guardian to determine who the parents or legal guardian

1 wants to invite to attend the family conference.

2 (2) Allowing the child and the child's siblings to
3 participate in the family conference in a manner appropriate
4 to age and maturity.

5 (3) Preparing the family and child to safely participate
6 in the family conference. This preparation includes, but is
7 not limited to:

8 (i) Identifying services available to assist the
9 family with addressing concerns identified by the county
10 agency or the court.

11 (ii) Informing the family about the purpose and the
12 goal of the family conference and the identified services
13 available to assist them with addressing the concerns for
14 the child.

15 (4) Equally promoting maternal and paternal family
16 involvement in the family conference.

17 (5) Consulting relevant service providers.

18 (6) Consulting and engaging the child's guardian ad
19 litem and the parent's attorney, if applicable.

20 Section 1305-B. Family responsibilities.

21 The family shall be responsible for the development of a
22 plan, which shall be incorporated into the service plan. The
23 plan shall address the concerns of safety, permanency and well-
24 being within the family as well as other concerns which have
25 been identified by the county agency or the court regarding the
26 child.

27 Section 1306-B. Family discussion.

28 The family conference shall include a discussion by the
29 family about the available resources within the family, the
30 community and the county agency. The family shall be responsible

1 for determining which resources to utilize to address the
2 concerns of safety, permanency and well-being identified by the
3 county agency or the court. The family shall determine whether
4 or not to hold this discussion in private. However, if the child
5 is under the jurisdiction of the court, the court may require
6 that the discussion be held in private by the family.

7 Section 1307-B. Plan requirements.

8 In order for a plan to take effect, the plan must be approved
9 by the county agency. If the child is under the jurisdiction of
10 the court, the plan must be submitted to the court for approval.
11 If a family is unable to develop an approved plan through the
12 family conference, the county agency shall determine other means
13 to engage the family and the child, if appropriate, in the
14 development of a plan that addresses the concerns of safety,
15 permanency and well-being identified by the county agency or the
16 court. The county agency shall support the implementation of the
17 plan and attempt to ensure that the implementation of the plan
18 resolves the safety, permanency and well-being concerns
19 identified by the county agency or the court. Reasonable efforts
20 to engage the child's family in decisions regarding the child's
21 safety, permanency or well-being shall be made by the county
22 agency on an ongoing basis until the child's involvement with
23 the county agency is terminated.

24 Section 1308-B. Implementation of family conferencing.

25 The department shall require county agencies to gradually
26 implement family conferencing so that county agencies are
27 prepared to comply with this article as follows:

28 (1) Within three years of the effective date of this
29 article, a county agency shall offer an opportunity to engage
30 in family conferencing to all children and families where the

1 child has been placed outside the home.

2 (2) Within five years of the effective date of this
3 article, a county agency shall offer an opportunity to engage
4 in family conferencing to all children and families who are
5 accepted for service.

6 Section 1309-B. Regulations.

7 Within one year of the effective date of this article, the
8 department shall promulgate regulations necessary to carry out
9 the provisions of this article.

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