
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 511 Session of
2005

INTRODUCED BY MUNDY, BEBKO-JONES, BLACKWELL, CALTAGIRONE,
CAPPELLI, CORRIGAN, CRAHALLA, FREEMAN, GOODMAN, GRUITZA,
JOSEPHS, PRESTON, SEMMEL, TANGRETTI, TIGUE, WALKO, BELFANTI,
DALEY, CURRY, STABACK, THOMAS AND PISTELLA, FEBRUARY 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 14, 2005

AN ACT

1 Providing for certain rights of foster children.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Foster
6 Children Rights Act.

7 Section 2. Definitions.

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

11 "County agency." A county children and youth social service
12 agency established pursuant to section 405 of the act of June
13 24, 1937 (P.L.2017, No.396), known as the County Institution
14 District Law, or its successor, and supervised by the Department
15 of Welfare under Article IX of the act of June 13, 1967 (P.L.31,
16 No.21), known as the Public Welfare Code.

1 "Foster parent." An individual responsible for providing
2 foster family care to a child placed by a foster family care
3 agency.

4 "Members of children and youth services team." The term
5 includes caseworkers, court-appointed special advocates and
6 guardians ad litem.

7 "Private agency." A children and youth social service agency
8 subject to the requirements of 55 Pa. Code Ch. 3680 (relating to
9 administration and operation of a children and youth social
10 service agency).

11 Section 3. Rights of foster children.

12 A foster child has the following rights:

13 (1) To be treated with fairness, dignity and respect and
14 to not be discriminated against because of race, color,
15 religion, disability, sexual orientation, national origin,
16 age or gender.

17 (2) To be free from harassment, corporal punishment,
18 unreasonable restraint and physical, sexual, emotional and
19 other abuse.

20 (3) To live in a safe, healthy and comfortable home.

21 (4) To be properly nourished and clothed with clothing
22 that is clean, seasonal and age and gender appropriate.

23 (5) To receive medical, dental, vision, mental health,
24 behavioral health and drug and alcohol abuse and addiction
25 services that respond to the child's needs.

26 (6) To be free from unreasonable searches of personal
27 belongings and mail, including electronic mail, and to be
28 free to make and receive confidential telephone calls as
29 reasonable under the circumstances unless otherwise provided
30 by law.

1 (7) Provided that the child is given contact information
2 and a means of communication, to be permitted to visit with
3 and contact family members consistent with the family service
4 plan, unless otherwise prohibited by court order and to
5 contact the child's attorney and members of the child's
6 children and youth services team.

7 (8) To be permitted to participate in religious
8 observances and activities and attend religious services of
9 the child's preference or the religion of the child's family
10 of origin or culture as may be reasonably accommodated, or to
11 refrain from such religious practices.

12 (9) To maintain and reflect the child's culture as may
13 be reasonably accommodated.

14 (10) To receive an appropriate education consistent with
15 the laws of this Commonwealth, including the right to have
16 the opportunity to participate in extracurricular, cultural
17 and personal enrichment activities that are reasonably
18 available and accommodated and consistent with the child's
19 age and developmental level.

20 (11) To work and develop job skills at an age-
21 appropriate level, consistent with the laws of this
22 Commonwealth and as may be reasonably accommodated and to
23 receive appropriate life skills training to prepare for
24 independent living.

25 (12) To attend court hearings relating to the child's
26 case and to have the opportunity to be heard.

27 (13) To be permitted to contribute to and receive
28 information about the family service plan, including changes
29 to the plan, and to review the case plan itself if the child
30 is at least 14 years of age.

1 (14) To have confidentiality maintained consistent with
2 the laws of this Commonwealth.

3 (15) To have any kinship resource or previous foster
4 parent of the child be considered as the preferred placement
5 resource if such placement is consistent with the best
6 interest of the child and the needs of other children in the
7 kinship residence or foster parent's home.

8 (16) If the child has a child of his own to be permitted
9 to exercise parental and decision-making authority over his
10 own child and to reside with his own child if appropriate and
11 as may be reasonably accommodated unless prohibited by order
12 of court.

13 (17) To have the opportunity to contact the Department
14 of Public Welfare confidentially and to make complaints
15 regarding alleged violations of the child's rights and to be
16 free from harassment and retaliation regarding such actions.

17 Section 4. Copy of rights to be provided.

18 A county agency or private agency shall provide a copy of the
19 rights enumerated in this act to each foster child and foster
20 parent to whom they provide services.

21 Section 5. Effective date.

22 This act shall take effect in 60 days.