
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 302 Session of
2007

INTRODUCED BY MUNDY, BELFANTI, CALTAGIRONE, CARROLL, COHEN,
DERMODY, FRANKEL, FREEMAN, GOODMAN, JAMES, JOSEPHS, KORTZ,
LEACH, MAHONEY, MANN, PALLONE, PARKER, SOLOBAY, STABACK,
THOMAS AND YOUNGBLOOD, FEBRUARY 7, 2007

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 7, 2007

AN ACT

1 Providing for certain duties of county and private agencies and
2 resource parents regarding children in substitute care.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Children in
7 Substitute Care Act.

8 Section 2. Definitions.

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

12 "Child in substitute care." An individual who was
13 adjudicated dependent before reaching 18 years of age and who:

14 (1) has not reached 18 years of age and is in placement;

15 or

16 (2) is in placement after reaching 18 years of age and
17 while engaged in a course of instruction or treatment

1 requests the court to retain jurisdiction until the course of
2 instruction or treatment is completed, but in no event shall
3 the court maintain jurisdiction after the individual reaches
4 21 years of age.

5 "County agency." A county children and youth social service
6 agency established pursuant to section 405 of the act of June
7 24, 1937 (P.L.2017, No.396), known as the County Institution
8 District Law, or its successor, and supervised by the Department
9 of Welfare under Article IX of the act of June 13, 1967 (P.L.31,
10 No.21), known as the Public Welfare Code.

11 "Members of an integrated children's services planning team."
12 The term includes the public and private children and youth
13 caseworker, juvenile probation officer, mental health
14 caseworker, mental retardation caseworker and any other
15 individual who is considered to be a part of a service planning
16 team specific to a child.

17 "Private agency." A children and youth social service agency
18 subject to the requirements of 55 Pa. Code Ch. 3680 (relating to
19 administration and operation of a children and youth social
20 service agency).

21 "Relative." An individual who is at least 21 years of age
22 and related within the third degree of consanguinity or affinity
23 to the parent or stepparent of a child.

24 "Resource family." A family that provides temporary foster
25 or kinship care for a child who needs out-of-home placement and
26 that may eventually provide permanency for the child, including
27 as an adoptive family.

28 "Unreasonable restraint." Controlling behavior or
29 restricting movement through the application of physical,
30 mechanical or chemical intervention not used for coercion or

1 punishment, except for situations requiring emergency safety
2 interventions to prevent harm to self or to others where less
3 restrictive alternatives have failed.

4 Section 3. Children in substitute care.

5 County and private agencies and resource parents shall
6 provide the following to a child in substitute care:

7 (1) Treatment with fairness, dignity and respect and
8 freedom from discrimination because of race, color, religion,
9 disability, sexual orientation, national origin, age or
10 gender.

11 (2) Freedom from harassment, corporal punishment,
12 unreasonable restraint and physical, sexual, emotional and
13 other abuse.

14 (3) Ability to live in the least restrictive, most
15 family-like setting that is safe, healthy, comfortable and
16 meets the child's needs.

17 (4) Proper nourishment and clothing that is clean,
18 seasonal and age and gender appropriate.

19 (5) Medical, dental, vision, mental health, behavioral
20 health and drug and alcohol abuse and addiction services
21 consistent with the laws of this Commonwealth and for which
22 the child qualifies.

23 (6) Freedom from unreasonable searches of personal
24 belongings and mail, including electronic mail, and freedom
25 to make and receive confidential telephone calls as
26 reasonable under the circumstances unless otherwise provided
27 by law or when there is reason to believe that the child may
28 be in danger of being harmed by an individual communicating
29 with the child through postal mail, electronic mail or
30 telephone calls.

1 (7) Permission to visit and have contact with family
2 members, including siblings, as frequently as possible
3 consistent with the family service plan and the child's
4 permanency plan, unless prohibited by court order, but no
5 less than that prescribed by regulation in effect on the
6 effective date of this paragraph.

7 (8) Ability to contact the child's guardian ad litem,
8 attorney or court-appointed special advocate and members of
9 the integrated children's services planning team.

10 (9) Maintain and reflect the child's culture as may be
11 reasonably accommodated.

12 (10) Education stability and an appropriate education
13 consistent with the laws of this Commonwealth, including the
14 opportunity to participate in culturally appropriate
15 extracurricular and cultural and personal enrichment
16 activities that are reasonably available and accommodated and
17 consistent with the child's age and developmental level.

18 (11) Ability to work and develop job skills at an age-
19 appropriate level, consistent with the laws of this
20 Commonwealth and as may be reasonably accommodated.

21 (12) Ability to receive appropriate life skills training
22 and independent living services to prepare the child for the
23 transition to adulthood, as consistent with Federal laws and
24 the laws of this Commonwealth.

25 (13) Notification of and ability to attend court
26 hearings relating to the child's case and to have the
27 opportunity to be heard.

28 (14) Contribute and receive information about the family
29 service plan and child's permanency plan and review those
30 plans if the child is at least 14 years of age.

1 (15) Confidentiality maintained consistent with the laws
2 of this Commonwealth.

3 (16) Provide first consideration to placement with
4 relatives, including siblings. In the absence of relatives,
5 to have any kinship resource be considered as the preferred
6 placement resource if such placement is consistent with the
7 best interest of the child and the needs of other children in
8 the kinship residence.

9 (17) Consider any previous resource family as the
10 preferred placement resource, if relative and kinship
11 resources are unavailable and the placement resource is
12 consistent with the best interest of the child.

13 (18) If the child has a child of his or her own,
14 assurance of the child's right to exercise parental and
15 decision-making authority over his or her own child and to
16 reside with the child, unless prohibited by order of court.

17 (19) Notification of the child's ability to file a
18 grievance regarding the violation of the responsibilities
19 under this act to be free from harassment and retaliation
20 regarding that action and to be provided with the grievance
21 policy by the children and youth agency.

22 (20) Permission to participate in religious observances
23 and activities and attend religious services of the child's
24 preference or the religion of the child's family of origin or
25 culture as may be reasonably accommodated.

26 (21) The development, in conjunction with the child, of
27 a permanency and transition plan that provides the child
28 with:

29 (i) Safety.

30 (ii) Stability.

1 (iii) Permanence and well-being, including stable
2 and safe housing, opportunities for postsecondary
3 education and training and employment and a stable source
4 of income, health insurance and a plan for future
5 treatment.

6 (iv) Connections with reliable adults.

7 (v) Notification that they may request to remain
8 under the court's jurisdiction under paragraph (3) of the
9 definition of "child" under 42 Pa.C.S. § 6302 (relating
10 to definitions).

11 Section 4. Copy of responsibilities to be provided.

12 (a) Notification.--A county agency or private agency shall
13 provide a copy of the duties of county and private agencies and
14 resource parents required by law and regulation to each child in
15 substitute care and each resource family and shall post a copy
16 in areas frequented by youth.

17 (b) Prohibition.--County and private agencies and resource
18 parents shall not use a duty under section 3 as a punishment or
19 reward.

20 Section 10. Effective date.

21 This act shall take effect in 60 days.