

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, YOUNGBLOOD, CURRY, DALEY AND SIPTROTH, FEBRUARY 7, 2007

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 12, 2007

AN ACT

1 Providing for certain duties of county and private agencies and
2 resource ~~parents~~ FAMILIES regarding children in substitute care. ←
3

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

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

16 or

1 (2) is in placement after reaching 18 years of age and
2 while engaged in a course of instruction or treatment
3 requests the court to retain jurisdiction until the course of
4 instruction or treatment is completed, but in no event shall
5 the court maintain jurisdiction after the individual reaches
6 21 years of age.

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

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

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

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

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

30 "Unreasonable restraint." Controlling behavior or

1 restricting movement through the application of physical,
2 ~~mechanical or chemical intervention not used for coercion or~~ <—
3 ~~punishment, except for situations requiring emergency safety~~
4 ~~interventions to prevent harm to self or to others where less~~
5 ~~restrictive alternatives have failed.~~ MECHANICAL OR CHEMICAL <—
6 INTERVENTION. RESTRAINT MAY NOT BE USED FOR COERCION OR
7 PUNISHMENT. EMERGENCY SAFETY INTERVENTIONS REQUIRED TO PREVENT
8 HARM TO SELF OR OTHERS WHERE LESS RESTRICTIVE ALTERNATIVES HAVE
9 FAILED SHALL NOT CONSTITUTE UNREASONABLE RESTRAINT.

10 Section 3. Children in substitute care.

11 County and private agencies and resource ~~parents~~ FAMILIES <—
12 shall provide the following to a child in substitute care:

13 ~~(1) Treatment with fairness, dignity and respect and~~ <—
14 ~~freedom from discrimination because of race, color, religion,~~

15 (1) TREATMENT WITH FAIRNESS, DIGNITY AND RESPECT. <—

16 (2) FREEDOM FROM DISCRIMINATION BECAUSE OF RACE, COLOR,
17 RELIGION, disability, sexual orientation, national origin,
18 age or gender.

19 ~~(2)~~ (3) Freedom from harassment, corporal punishment, <—
20 unreasonable restraint and physical, sexual, emotional and
21 other abuse.

22 ~~(3) Ability~~ (4) THE ABILITY to live in the least <—
23 restrictive, most family-like setting that is safe, healthy,
24 comfortable and meets the child's needs.

25 ~~(4) Proper nourishment and clothing that is clean,~~ <—
26 ~~seasonal and age and gender appropriate.~~

27 ~~(5) Medical, dental, vision, mental health, behavioral~~
28 (5) PROPER NOURISHMENT. <—

29 (6) CLOTHING THAT IS CLEAN, SEASONAL AND AGE AND GENDER
30 APPROPRIATE.

1 (7) ACCESS TO MEDICAL, DENTAL, VISION, MENTAL HEALTH,
2 BEHAVIORAL health and drug and alcohol abuse and addiction
3 services consistent with the laws of this Commonwealth and
4 for which the child qualifies.

5 ~~(6)~~ (8) Freedom from unreasonable searches of personal <—
6 belongings and mail, including electronic mail, and freedom
7 to make and receive confidential telephone calls as
8 reasonable under the circumstances unless otherwise provided
9 by law or when there is reason to believe that the child may
10 be in danger of being harmed by an individual communicating
11 with the child through postal mail, electronic mail or
12 telephone calls.

13 ~~(7)~~ (9) Permission to visit and have contact with family <—
14 members, including siblings, as frequently as possible
15 consistent with the family service plan and the child's
16 permanency plan, unless prohibited by court order, but no
17 less than that prescribed by regulation in effect on the
18 effective date of this paragraph.

19 ~~(8) Ability~~ (10) THE ABILITY to contact the child's <—
20 guardian ad litem, attorney or court-appointed special
21 advocate and members of the integrated children's services
22 planning team.

23 ~~(9) Maintain and reflect~~ (11) AN ENVIRONMENT THAT <—
24 MAINTAINS AND REFLECTS the child's culture as may be
25 reasonably accommodated.

26 ~~(10)~~ (12) Education stability and an appropriate <—
27 education consistent with the laws of this Commonwealth,
28 including the opportunity to participate in culturally
29 appropriate extracurricular and cultural and personal
30 enrichment activities that are reasonably available and

1 accommodated and consistent with the child's age and
2 developmental level.

3 ~~(11) Ability~~ (13) THE ABILITY to work and develop job <—
4 skills at an age-appropriate level, consistent with the laws
5 of this Commonwealth and as may be reasonably accommodated.

6 ~~(12) Ability~~ (14) THE ABILITY to receive appropriate <—
7 life skills training and independent living services to
8 prepare the child for the transition to adulthood, as
9 consistent with Federal laws and the laws of this
10 Commonwealth.

11 ~~(13)~~ (15) Notification of and ability to attend court <—
12 hearings relating to the child's case and to have the
13 opportunity to be heard.

14 ~~(14) Contribute and receive information~~ (16) <—
15 INFORMATION about the family service plan and child's
16 permanency plan and review those plans WITH THE CHILD, WHO <—
17 SHALL HAVE AN OPPORTUNITY TO REVIEW AND CONTRIBUTE TO THEM,
18 if the child is at least 14 years of age.

19 ~~(15)~~ (17) Confidentiality maintained consistent with the <—
20 laws of this Commonwealth.

21 ~~(16) Provide first consideration to~~ (18) FIRST <—
22 CONSIDERATION FOR placement with relatives, including
23 siblings. In the absence of relatives, to have any kinship
24 resource be considered as the preferred placement resource if
25 such placement is consistent with the best interest of the
26 child and the needs of other children in the kinship
27 residence.

28 ~~(17) Consider~~ (19) CONSIDERATION OF any previous <—
29 resource family as the preferred placement resource, if
30 relative and kinship resources are unavailable and the

1 placement resource is consistent with the best interest of
2 the child.

3 ~~(18)~~ (20) If the child has a child of his or her own, <—
4 assurance of the child's right to exercise parental and
5 decision-making authority over his or her own child and to
6 reside with the child, unless prohibited by order of court.

7 ~~(19)~~ (21) Notification of the child's ability to file a <—
8 grievance regarding the violation of the responsibilities
9 under this act to be free from harassment and retaliation
10 ~~regarding that action and to be provided with the grievance~~ <—
11 ~~policy by the children and youth agency.~~ REGARDING THAT <—
12 ACTION.

13 (22) THE GRIEVANCE POLICY BY THE CHILDREN AND YOUTH
14 AGENCY.

15 ~~(20)~~ (23) Permission to participate in religious <—
16 observances and activities and attend religious services of
17 the child's preference or the religion of the child's family
18 of origin or culture as may be reasonably accommodated.

19 ~~(21) The development, in conjunction with the child, of~~ <—
20 ~~a permanency and transition plan that provides the child~~

21 (24) A PERMANENCY AND TRANSITION PLAN DEVELOPED IN <—
22 CONJUNCTION WITH THE CHILD THAT PROVIDES THE CHILD with:

23 (i) Safety.

24 (ii) Stability.

25 (iii) Permanence and well-being, including stable
26 and safe housing, opportunities for postsecondary
27 education and training and employment and a stable source
28 of income, health insurance and a plan for future
29 treatment.

30 (iv) Connections with reliable adults.

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

5 Section 4. Copy of responsibilities to be provided.

6 (a) Notification.--A county agency or private agency shall
7 provide a copy of the duties of county and private agencies and
8 resource parents required by law and regulation to each child in
9 substitute care and each resource family and shall post a copy
10 in areas frequented by youth.

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

14 Section 10. Effective date.

15 This act shall take effect in 60 days.