

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1511 Session of 2007

INTRODUCED BY SHIMKUS, DERMODY, BELFANTI, BISHOP, BRENNAN, CURRY, CUTLER, HICKERNELL, JAMES, LENTZ, MAHONEY, MUNDY, SIPTROTH, MOUL, FABRIZIO, MURT AND CALTAGIRONE, JUNE 7, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 2, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 notice and hearing in juvenile matters.

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

6 ~~Section 1. Section 6336.1 of Title 42 of the Pennsylvania~~ <—
7 ~~Consolidated Statutes is amended to read:~~

8 SECTION 1. SECTIONS 6336.1 AND 6351(E)(1) OF TITLE 42 OF THE <—
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 6336.1. Notice and hearing.

11 (a) General rule.--The court shall direct the county agency
12 or juvenile probation department to provide the child's foster
13 parent, preadoptive parent or relative providing care for the
14 child with timely notice of the hearing. The court shall provide
15 the child's foster parent, preadoptive parent or relative
16 providing care for the child the [opportunity] RIGHT to be heard <—
17 at any hearing under this chapter. Unless a foster parent,

1 preadoptive parent or relative providing care for a child has
2 been awarded legal custody pursuant to section 6357 (relating to
3 rights and duties of legal custodian), nothing in this section
4 shall give the foster parent, preadoptive parent or relative
5 providing care for the child legal standing in the matter being
6 heard by the court.

7 (b) Permanency hearings.--

8 (1) Prior to a permanency hearing under section 6351(e)
9 (relating to disposition of dependent child), a child's
10 foster parent or parents, preadoptive parent or relative
11 providing care for the child may submit to the court a report
12 in regard to the child's adjustment, progress and condition.

13 (2) The county agency shall notify the foster parent or
14 parents, preadoptive parent or relative providing care for
15 the child of the right to submit a report under this
16 subsection to the court on a form under paragraph (3). The
17 county agency shall provide the foster parent or parents,
18 preadoptive parent or relative providing care for the child
19 with information identifying the name of the judge or officer
20 of the court, along with mailing address, to whom the report
21 is to be submitted.

22 (3) The Department of Public Welfare shall develop a
23 form for use by a foster parent or parents, preadoptive
24 parent or relative providing care for the child, including
25 the following information:

26 (i) Date of completion.

27 (ii) Name and address of child.

28 (iii) Name and address of foster parent or parents,
29 preadoptive parent or relative providing care for the
30 child.

1 (iv) Name of primary caseworker and agency.

2 (v) Description of child's adjustment in the home.

3 (vi) Description of child's interaction with foster
4 parent or parents, preadoptive parent or relative
5 providing care and with family members of individuals
6 referred to in this subparagraph.

7 (vii) Description of child's interaction with
8 others.

9 (viii) Evaluation of child's respect for property.

10 (ix) Description of physical and emotional condition
11 of child.

12 (x) Description of child's interaction with the
13 primary caseworker.

14 (xi) Description of caseworker's interaction with
15 the child and foster parent or parents, preadoptive
16 parent or relative providing care for the child and with
17 family members of individuals referred to in this
18 paragraph.

19 (xii) Description of educational status, grades,
20 attendance and behavior of child in school or child's
21 experience in a child day-care setting or early childhood
22 development program.

23 (xiii) Description of child's experience involving
24 visitation with birth parents, specifying if visitation
25 is supervised or unsupervised and any significant events
26 which occurred.

27 (xiv) Opinion on overall adjustment, progress and
28 condition of the child.

29 (xv) Other concerns or comments.

30 (4) The report shall be confidential and shall be

<—

1 reviewed by the court, THE COUNTY AGENCY, the child's <—
2 guardian ad litem and court-appointed special advocate, if
3 appointed pursuant to section 6342 (relating to court-
4 appointed special advocates). The court may release the
5 report to a county agency, the Department of Public Welfare <—
6 or another individual or agency if the court determines it is
7 in the child's best interests to do so.

8 (5) A COUNTY AGENCY SHALL NOT TAKE ANY RETALIATORY <—
9 ACTION AGAINST A FOSTER PARENT, PREADOPTIVE PARENT OR
10 RELATIVE FOR ANY INFORMATION, COMMENTS OR CONCERNS PROVIDED
11 IN GOOD FAITH IN A REPORT UNDER THIS SUBSECTION. THIS
12 PARAGRAPH SHALL NOT BE CONSTRUED TO PREVENT ANY AGENCY FROM
13 TAKING ANY ACTION IF THE REPORT CONTAINS INFORMATION THAT THE
14 FOSTER PARENT, PREADOPTIVE PARENT OR RELATIVE HAS ENGAGED IN
15 ANY CONDUCT THAT IS CONTRARY TO ANY REGULATION OR LAW OR IS
16 NOT IN THE CHILD'S BEST INTEREST.

17 § 6351. DISPOSITION OF DEPENDENT CHILD.

18 * * *

19 (E) PERMANENCY HEARINGS.--

20 (1) THE COURT SHALL CONDUCT A PERMANENCY HEARING FOR THE
21 PURPOSE OF DETERMINING OR REVIEWING THE PERMANENCY PLAN OF
22 THE CHILD, THE DATE BY WHICH THE GOAL OF PERMANENCY FOR THE
23 CHILD MIGHT BE ACHIEVED AND WHETHER PLACEMENT CONTINUES TO BE
24 BEST SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL
25 AND MORAL WELFARE OF THE CHILD. IN ANY PERMANENCY HEARING
26 HELD WITH RESPECT TO THE CHILD, THE COURT SHALL CONSULT IN AN
27 AGE-APPROPRIATE MANNER WITH THE CHILD REGARDING THE PROPOSED
28 PERMANENCY PLAN FOR THE CHILD. THE COURT MAY CONSULT WITH A
29 CHILD THROUGH A GUARDIAN AD LITEM UNDER SECTION 6311
30 (RELATING TO GUARDIAN AD LITEM FOR CHILD IN COURT

1 PROCEEDINGS) OR COURT-APPOINTED SPECIAL ADVOCATE UNDER
2 SECTION 6342 (RELATING TO COURT-APPOINTED SPECIAL ADVOCATES)
3 AND DETERMINE IF ATTENDANCE OF THE CHILD IS REQUIRED AT A
4 HEARING.

5 * * *

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