

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1511** Session of  
2007

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

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 16, 2007

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## 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. Sections 6336.1 and 6351(e)(1) of Title 42 of the  
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 6336.1. Notice and hearing.

9 (a) General rule.--The court shall direct the county agency  
10 or juvenile probation department to provide the child's foster  
11 parent, preadoptive parent or relative providing care for the  
12 child with timely notice of the hearing. The court shall provide  
13 the child's foster parent, preadoptive parent or relative  
14 providing care for the child the [opportunity] right to be heard  
15 at any hearing under this chapter. Unless a foster parent,  
16 preadoptive parent or relative providing care for a child has  
17 been awarded legal custody pursuant to section 6357 (relating to

1 rights and duties of legal custodian), nothing in this section  
2 shall give the foster parent, preadoptive parent or relative  
3 providing care for the child legal standing in the matter being  
4 heard by the court.

5 (b) Permanency hearings.--

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

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

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

24 (i) Date of completion.

25 (ii) Name and address of child.

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

29 (iv) Name of primary caseworker and agency.

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

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

5           (vii) Description of child's interaction with  
6 others.

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

8           (ix) Description of physical and emotional condition  
9 of child.

10          (x) Description of child's interaction with the  
11 primary caseworker.

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

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

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

25          (xiv) Opinion on overall adjustment, progress and  
26 condition of the child.

27          (xv) Other concerns or comments.

28          (4) The report shall be reviewed by the court, the  
29 county agency, the child's guardian ad litem and court-  
30 appointed special advocate, if appointed pursuant to section

1 6342 (relating to court-appointed special advocates). The  
2 court may release the report to the Department of Public  
3 Welfare or another individual or agency if the court  
4 determines it is in the child's best interests to do so.

5 (5) A county agency OR A PRIVATE AGENCY AS DEFINED UNDER <—  
6 23 PA.C.S. § 6303 (RELATING TO DEFINITIONS) shall not take  
7 any retaliatory action against a foster parent, preadoptive  
8 parent or relative for any information, comments or concerns  
9 provided in good faith in a report under this subsection.  
10 This paragraph shall not be construed to prevent any agency  
11 from taking any action if the report contains information  
12 that the foster parent, preadoptive parent or relative has  
13 engaged in any conduct that is contrary to any regulation or  
14 law or is not in the child's best interest.

15 § 6351. Disposition of dependent child.

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17 (e) Permanency hearings.--

18 (1) The court shall conduct a permanency hearing for the  
19 purpose of determining or reviewing the permanency plan of  
20 the child, the date by which the goal of permanency for the  
21 child might be achieved and whether placement continues to be  
22 best suited to the safety, protection and physical, mental  
23 and moral welfare of the child. In any permanency hearing  
24 held with respect to the child, the court shall consult in an <—  
25 age appropriate manner with the child regarding the proposed  
26 permanency plan for the child. The court may consult with a  
27 child through a guardian ad litem under section 6311  
28 (relating to guardian ad litem for child in court  
29 proceedings) or court appointed special advocate under  
30 section 6342 (relating to court appointed special advocates)

1 ~~and determine if attendance of the child is required at a~~  
2 ~~hearing.~~ HELD WITH RESPECT TO THE CHILD, THE COURT SHALL DO <—  
3 ONE OF THE FOLLOWING:

4 (I) CONSULT WITH THE CHILD REGARDING THE CHILD'S  
5 PERMANENCY PLAN IN A MANNER APPROPRIATE TO THE CHILD'S  
6 AGE AND MATURITY.

7 (II) ENSURE THAT THE VIEWS OF THE CHILD REGARDING  
8 THE PERMANENCY PLAN ARE ASCERTAINED AND COMMUNICATED TO  
9 THE COURT BY:

10 (A) THE GUARDIAN AD LITEM OF THE CHILD;

11 (B) THE CHILD'S COUNSEL, AS APPROPRIATE TO THE  
12 CIRCUMSTANCES OF THE CASE;

13 (C) THE COURT-APPOINTED SPECIAL ADVOCATE FOR THE  
14 CHILD; OR

15 (D) ANOTHER INDIVIDUAL DESIGNATED BY THE COURT.

16 \* \* \*

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