
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 AND CALTAGIRONE, JUNE 7, 2007

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
MAY 13, 2008

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 SECTION 1. SECTION 6336.1 OF TITLE 42 OF THE PENNSYLVANIA <—
9 CONSOLIDATED STATUTES, AMENDED DECEMBER 18, 2007 (P.L.484,
10 NO.76), IS AMENDED TO READ:

11 § 6336.1. Notice and hearing.

12 (a) General rule.--The court shall direct the county agency
13 or juvenile probation department to provide the child's foster
14 parent, preadoptive parent or relative providing care for the
15 child with timely notice of the hearing. The court shall provide
16 the child's foster parent, preadoptive parent or relative

1 providing care for the child the ~~[opportunity] right~~ RIGHT to be ←
2 heard at any hearing under this chapter. Unless a foster parent,
3 preadoptive parent or relative providing care for a child has
4 been awarded legal custody pursuant to section 6357 (relating to
5 rights and duties of legal custodian), nothing in this section
6 shall give the foster parent, preadoptive parent or relative
7 providing care for the child legal standing in the matter being
8 heard by the court.

9 (b) Permanency hearings.--

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

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

24 (3) The Department of Public Welfare shall develop a
25 form for use by a foster parent or parents, preadoptive
26 parent or relative providing care for the child, including, ←
27 BUT NOT LIMITED TO, the following information:

28 (i) Date of completion.

29 (ii) Name and address of child.

30 (iii) Name and address of foster parent or parents,

1 preadoptive parent or relative providing care for the
2 child. THE INFORMATION UNDER THIS SUBPARAGRAPH SHALL BE
3 CONSIDERED CONFIDENTIAL EXCEPT AT THE DISCRETION OF THE
4 COURT.

5 (iv) Name of primary caseworker and agency.

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

7 (vi) Description of child's interaction with foster
8 parent or parents, preadoptive parent or relative
9 providing care and with family members of individuals
10 referred to in this subparagraph.

11 (vii) Description of child's interaction with
12 others.

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

14 (ix) Description of physical and emotional condition
15 of child.

16 (x) Description of child's interaction with the
17 primary caseworker.

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

23 (xii) Description of educational status, grades,
24 attendance and behavior of child in school or child's
25 experience in a child day-care setting or early childhood
26 development program.

27 (xiii) Description of child's experience involving
28 visitation with birth parents, specifying if visitation
29 is supervised or unsupervised and any significant events
30 which occurred.

1 (xiv) Opinion on overall adjustment, progress and
2 condition of the child.

3 (xv) Other concerns or comments, COMMENTS OR <—
4 RECOMMENDATIONS.

5 (4) The report shall be reviewed by the court, the <—
6 county agency, the child's guardian ad litem and court
7 appointed special advocate, if appointed pursuant to section
8 6342 (relating to court appointed special advocates). The
9 court may release the report to the Department of Public
10 Welfare or another individual or agency if the court
11 determines it is in the child's best interests to do so. AND <—
12 IS SUBJECT TO REVIEW BY OTHER PERSONS AND AGENCIES UNDER
13 SECTIONS 6307 (RELATING TO INSPECTION OF COURT FILES AND
14 RECORDS) AND 6342(D)(1) (RELATING TO COURT-APPOINTED SPECIAL
15 ADVOCATES).

16 (5) A county agency or a private agency as defined under
17 23 Pa.C.S. § 6303 (relating to definitions) shall not take
18 any retaliatory action against a foster parent, preadoptive
19 parent or relative for any information, comments or concerns
20 provided in good faith in a report under this subsection.
21 This paragraph shall not be construed to prevent any agency
22 from taking any action if the report contains information
23 that the foster parent, preadoptive parent or relative has
24 engaged in any conduct that is contrary to any regulation or
25 law or is not in the child's best interest.

26 ~~§ 6351. Disposition of dependent child.~~ <—

27 * * *

28 ~~(c) Permanency hearings.—~~

29 ~~(1) The court shall conduct a permanency hearing for the~~
30 ~~purpose of determining or reviewing the permanency plan of~~

1 ~~the child, the date by which the goal of permanency for the~~
2 ~~child might be achieved and whether placement continues to be~~
3 ~~best suited to the safety, protection and physical, mental~~
4 ~~and moral welfare of the child. In any permanency hearing~~
5 ~~held with respect to the child, the court shall do one of the~~
6 ~~following:~~

7 ~~(i) Consult with the child regarding the child's~~
8 ~~permanency plan in a manner appropriate to the child's~~
9 ~~age and maturity.~~

10 ~~(ii) Ensure that the views of the child regarding~~
11 ~~the permanency plan are ascertained and communicated to~~
12 ~~the court by:~~

13 ~~(A) the guardian ad litem of the child;~~

14 ~~(B) the child's counsel, as appropriate to the~~
15 ~~circumstances of the case;~~

16 ~~(C) the court appointed special advocate for the~~
17 ~~child; or~~

18 ~~(D) another individual designated by the court.~~

19 ~~* * *~~

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