

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2258 Session of 2010

INTRODUCED BY BRIGGS, PALLONE, BAKER, BELFANTI, BISHOP, BRADFORD, CALTAGIRONE, DALEY, FREEMAN, HALUSKA, HORNAMAN, HOUGHTON, JOSEPHS, KORTZ, MCGEEHAN, MUNDY, SANTARSIERO, SIPTROTH, SWANGER AND FLECK, FEBRUARY 16, 2010

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 21, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 providing for sibling placement and visitation FURTHER
4 PROVIDING FOR DISPOSITION OF DEPENDENT CHILD. ←

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read: ←

9 § 6351.2. Sibling placement and visitation.

10 (a) Disposition review hearing findings. At the disposition
11 review hearing, the court must make findings:

12 (1) that reasonable efforts have been made to place
13 siblings together; or

14 (2) the reason why the safety or well being of any of
15 the siblings would be negatively affected because of joint
16 placement.

17 (b) Disposition review hearing visitation orders. If a

1 ~~finding has been made that joint placement is contrary to the~~
2 ~~safety or well being of any of the siblings, the court shall~~
3 ~~enter an order that ensures visitation no less than twice a~~
4 ~~month unless a finding is made that visitation is contrary to~~
5 ~~the safety or well being of any of the siblings.~~

6 ~~(c) Permanency hearing findings. At all permanency~~
7 ~~hearings, the court must make findings:~~

8 ~~(1) that reasonable efforts have been made to place~~
9 ~~siblings together; or~~

10 ~~(2) the reason why the safety or well being of any of~~
11 ~~the siblings would be negatively affected by joint placement.~~

12 ~~(d) Permanency hearing visitation orders. If a finding has~~
13 ~~been made that joint placement is contrary to the safety or~~
14 ~~well being of any of the siblings, the court shall enter an~~
15 ~~order that ensures visitation no less than twice a month unless~~
16 ~~a finding is made that visitation is contrary to the safety or~~
17 ~~well being of any of the siblings.~~

18 SECTION 1. SECTION 6351(B) OF TITLE 42 OF THE PENNSYLVANIA
19 CONSOLIDATED STATUTES IS AMENDED, SUBSECTION (F) IS AMENDED BY
20 ADDING PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING A
21 SUBSECTION TO READ:

22 § 6351. DISPOSITION OF DEPENDENT CHILD.

23 * * *

24 (B) REQUIRED PREPLACEMENT FINDINGS.--PRIOR TO ENTERING ANY
25 ORDER OF DISPOSITION UNDER SUBSECTION (A) THAT WOULD REMOVE A
26 DEPENDENT CHILD FROM HIS HOME, THE COURT SHALL ENTER FINDINGS ON
27 THE RECORD OR IN THE ORDER OF COURT AS FOLLOWS:

28 (1) THAT CONTINUATION OF THE CHILD IN HIS HOME WOULD BE
29 CONTRARY TO THE WELFARE, SAFETY OR HEALTH OF THE CHILD; AND

30 (2) WHETHER REASONABLE EFFORTS WERE MADE PRIOR TO THE



1 PLACEMENT OF THE CHILD TO PREVENT OR ELIMINATE THE NEED FOR
2 REMOVAL OF THE CHILD FROM HIS HOME, IF THE CHILD HAS REMAINED
3 IN HIS HOME PENDING SUCH DISPOSITION; OR

4 (3) IF PREVENTIVE SERVICES WERE NOT OFFERED DUE TO THE
5 NECESSITY FOR AN EMERGENCY PLACEMENT, WHETHER SUCH LACK OF
6 SERVICES WAS REASONABLE UNDER THE CIRCUMSTANCES; [OR]

7 (4) IF THE COURT HAS PREVIOUSLY DETERMINED PURSUANT TO
8 SECTION 6332 (RELATING TO INFORMAL HEARING) THAT REASONABLE
9 EFFORTS WERE NOT MADE TO PREVENT THE INITIAL REMOVAL OF THE
10 CHILD FROM HIS HOME, WHETHER REASONABLE EFFORTS ARE UNDER WAY
11 TO MAKE IT POSSIBLE FOR THE CHILD TO RETURN HOME[.]; OR

12 (5) IF THE CHILD HAS A SIBLING WHO IS SUBJECT TO REMOVAL
13 FROM HIS HOME, WHETHER REASONABLE EFFORTS WERE MADE PRIOR TO
14 THE PLACEMENT OF THE CHILD TO PLACE THE SIBLINGS TOGETHER OR
15 WHETHER SUCH JOINT PLACEMENT IS CONTRARY TO THE SAFETY OR
16 WELL-BEING OF THE CHILD OR SIBLING.

17 THE COURT SHALL NOT ENTER FINDINGS UNDER PARAGRAPH (2), (3) OR
18 (4) IF THE COURT PREVIOUSLY DETERMINED THAT AGGRAVATED
19 CIRCUMSTANCES EXIST AND NO NEW OR ADDITIONAL REASONABLE EFFORTS
20 TO PREVENT OR ELIMINATE THE NEED FOR REMOVING THE CHILD FROM THE
21 HOME OR TO PRESERVE AND REUNIFY THE FAMILY ARE REQUIRED.

22 (B.1) VISITATION FOR CHILD AND SIBLING.--IF A SIBLING OF A
23 CHILD HAS BEEN REMOVED FROM HIS HOME AND IS IN A DIFFERENT
24 PLACEMENT SETTING THAN THE CHILD, THE COURT SHALL ENTER AN ORDER
25 THAT ENSURES VISITATION BETWEEN THE CHILD AND THE CHILD'S
26 SIBLING NO LESS THAN TWICE A MONTH, UNLESS A FINDING IS MADE
27 THAT VISITATION IS CONTRARY TO THE SAFETY OR WELL-BEING OF THE
28 CHILD OR SIBLING.

29 * * *

30 (F) MATTERS TO BE DETERMINED AT PERMANENCY HEARING.--AT EACH

1 PERMANENCY HEARING, A COURT SHALL DETERMINE ALL OF THE
2 FOLLOWING:

3 * * *

4 (10) IF A SIBLING OF A CHILD HAS BEEN REMOVED FROM HIS
5 HOME AND IS IN A DIFFERENT PLACEMENT SETTING THAN THE CHILD,
6 WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO PLACE THE CHILD
7 AND THE SIBLING OF THE CHILD TOGETHER OR WHETHER SUCH JOINT
8 PLACEMENT IS CONTRARY TO THE SAFETY OR WELL-BEING OF THE
9 CHILD OR SIBLING.

10 (11) IF THE CHILD HAS A SIBLING, WHETHER VISITATION OF
11 THE CHILD WITH THAT SIBLING IS OCCURRING NO LESS THAN TWICE A
12 MONTH, UNLESS A FINDING IS MADE THAT VISITATION IS CONTRARY
13 TO THE SAFETY OR WELL-BEING OF THE CHILD OR SIBLING.

14 * * *

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