

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2429 Session of
2010

INTRODUCED BY SAMUELSON, BISHOP, BRENNAN, BROWN, CALTAGIRONE,
CLYMER, FABRIZIO, FREEMAN, GOODMAN, KORTZ, KOTIK, MANN,
MILLER, MURPHY, M. O'BRIEN, PASHINSKI, SIPTROTH, TALLMAN,
SCAVELLO, BELFANTI, MUNDY AND THOMAS, APRIL 19, 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 further providing for disposition of dependent child.

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

6 Section 1. Section 6351(f) of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding subsections to read:

9 § 6351. Disposition of dependent child.

10 * * *

11 (b.1) County agency notice to adult grandparents and other
12 adult relatives.--If an order of disposition under subsection
13 (a) has been entered that removes a dependent child from the
14 child's home and transfers temporary legal custody to a county
15 agency, the county agency shall, within 30 days of the child's
16 removal from the child's home, exercise due diligence to
17 identify and notify the child's adult grandparents and other

1 adult relatives, subject to exceptions due to family or domestic
2 violence, and explain options under Federal and State law to
3 participate in the care and placement of the child, including
4 becoming a foster parent, permanent legal custodian, adoptive
5 resource or individual who will participate in the child's
6 planning and other activities.

7 * * *

8 (f) Matters to be determined at permanency hearing.--At each
9 permanency hearing, a court shall determine all of the
10 following:

11 (1) The continuing necessity for and appropriateness of
12 the placement.

13 (2) The appropriateness, feasibility and extent of
14 compliance with the permanency plan developed for the child.

15 (3) The extent of progress made toward alleviating the
16 circumstances which necessitated the original placement.

17 (4) The appropriateness and feasibility of the current
18 placement goal for the child.

19 (5) The likely date by which the placement goal for the
20 child might be achieved.

21 (5.1) Whether reasonable efforts were made to finalize
22 the permanency plan in effect.

23 (6) Whether the child is safe.

24 (7) If the child has been placed outside the
25 Commonwealth, whether the placement continues to be best
26 suited to the safety, protection and physical, mental and
27 moral welfare of the child.

28 (8) The services needed to assist a child who is 16
29 years of age or older to make the transition to independent
30 living.

1 (9) If the child has been in placement for at least 15
2 of the last 22 months or the court has determined that
3 aggravated circumstances exist and that reasonable efforts to
4 prevent or eliminate the need to remove the child from the
5 child's parent, guardian or custodian or to preserve and
6 reunify the family need not be made or continue to be made,
7 whether the county agency has filed or sought to join a
8 petition to terminate parental rights and to identify,
9 recruit, process and approve a qualified family to adopt the
10 child unless:

11 (i) the child is being cared for by a relative best
12 suited to the physical, mental and moral welfare of the
13 child;

14 (ii) the county agency has documented a compelling
15 reason for determining that filing a petition to
16 terminate parental rights would not serve the needs and
17 welfare of the child; or

18 (iii) the child's family has not been provided with
19 necessary services to achieve the safe return to the
20 child's parent, guardian or custodian within the time
21 frames set forth in the permanency plan.

22 (10) Whether within 30 days of the child's removal from
23 the child's home, the county agency has exercised due
24 diligence to identify and notify the child's adult
25 grandparents and other adult relatives, subject to exceptions
26 due to family or domestic violence, and explained options
27 under Federal and State law to participate in the care and
28 placement of the child, including becoming a foster parent,
29 permanent legal custodian, adoptive resource or individual
30 who will participate in the child's planning and other

1 activities.

2 For children placed in foster care on or before November 19,
3 1997, the county agency shall file or join a petition for
4 termination of parental rights under this subsection in
5 accordance with section 103(c)(2) of the Adoption and Safe
6 Families Act of 1997 (Public Law 105-89, 111 Stat. 2119).

7 * * *

8 (j) Definition.--As used in this section, the term "adult
9 relative" means an ~~adult~~ INDIVIDUAL who is related within the ←
10 third degree of consanguinity or affinity TO THE PARENT OR ←
11 STEPPARENT OF A CHILD AND IS AT LEAST 21 YEARS OF AGE.

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