
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 595 Session of
2011

INTRODUCED BY BISHOP, TALLMAN, JOHNSON, WHEATLEY, VULAKOVICH,
YOUNGBLOOD, BROWNLEE, V. BROWN, BOBACK, MURT AND CRUZ,
FEBRUARY 10, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 10, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further providing for definitions and for disposition of
4 dependent child; and providing for termination of
5 jurisdiction.

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

8 Section 1. The definition of "child" in section 6302 of
9 Title 42 of the Pennsylvania Consolidated Statutes is amended
10 and the section is amended by adding a definition to read:

11 § 6302. Definitions.

12 The following words and phrases when used in this chapter
13 shall have, unless the context clearly indicates otherwise, the
14 meanings given to them in this section:

15 * * *

16 "Child." An individual who:

17 (1) is under the age of 18 years;

18 (2) is under the age of 21 years who committed an act of
19 delinquency before reaching the age of 18 years; or

1 (3) is under the age of 21 years, was adjudicated
2 dependent before reaching the age of 18 years and [who, while
3 engaged in a course of instruction or treatment, requests the
4 court to retain jurisdiction until the course has been
5 completed, but in no event shall a child remain in a course
6 of instruction or treatment past the age of 21 years] for
7 whom court jurisdiction has been continued or resumed
8 pursuant to this chapter.

9 * * *

10 "Transition plan." A plan that is prepared by a county
11 agency in accordance with section 6351.2(b) (relating to
12 termination of jurisdiction) and that is developed by a county
13 agency in cooperation with the child and other individuals
14 identified by the county agency, the child and the child's
15 guardian ad litem or legal counsel to assist the child in making
16 a transition to independence.

17 Section 2. Section 6351(e) (3), (f) and (g) of Title 42,
18 amended November 23, 2010 (P.L. , No.115), are amended and
19 subsections (e) and (f.1) are amended by adding paragraphs to
20 read:

21 § 6351. Disposition of dependent child.

22 * * *

23 (e) Permanency hearings.--

24 * * *

25 (3) The court shall conduct permanency hearings as
26 follows:

27 (i) Within six months of:

28 (A) the date of the child's removal from the
29 child's parent, guardian or custodian for placement
30 under section 6324 (relating to taking into custody)

1 or 6332 or pursuant to a transfer of temporary legal
2 custody or other disposition under subsection (a) (2),
3 whichever is the earliest; [or]

4 (B) each previous permanency hearing until the
5 child is returned to the child's parent, guardian or
6 custodian or removed from the jurisdiction of the
7 court[.]; or

8 (C) the date on which the child reaches 18 years
9 of age.

10 (ii) Within 30 days of:

11 (A) an adjudication of dependency at which the
12 court determined that aggravated circumstances exist
13 and that reasonable efforts to prevent or eliminate
14 the need to remove the child from the child's parent,
15 guardian or custodian or to preserve and reunify the
16 family need not be made or continue to be made;

17 (B) a permanency hearing at which the court
18 determined that aggravated circumstances exist and
19 that reasonable efforts to prevent or eliminate the
20 need to remove the child from the child's parent,
21 guardian or custodian or to preserve and reunify the
22 family need not be made or continue to be made and
23 the permanency plan for the child is incomplete or
24 inconsistent with the court's determination;

25 (C) an allegation that aggravated circumstances
26 exist regarding a child who has been adjudicated
27 dependent, filed under section 6334(b) (relating to
28 petition); or

29 (D) a petition alleging that the hearing is
30 necessary to protect the safety or physical, mental

1 or moral welfare of a dependent child.

2 (4) If the court determines that the conditions for
3 extension of court jurisdiction enumerated in subsection
4 (f.1)(6) are met, the court shall continue to schedule
5 permanency hearings in accordance with this section until
6 court jurisdiction is terminated, but no later than when the
7 child reaches 21 years of age.

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, including a transition plan if one is required.

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) If a sibling of a child has been removed from his
23 home and is in a different placement setting than the child,
24 whether reasonable efforts have been made to place the child
25 and the sibling of the child together or whether such joint
26 placement is contrary to the safety or well-being of the
27 child or sibling.

28 (11) If the child has a sibling, whether visitation of
29 the child with that sibling is occurring no less than twice a
30 month, unless a finding is made that visitation is contrary

1 to the safety or well-being of the child or sibling.

2 (12) If the child has:

3 (i) (A) been informed that the child may request
4 the court to continue jurisdiction after the child
5 reaches 18 years of age and that the child may
6 request the court resume jurisdiction any time prior
7 to when the child reaches 21 years of age if
8 discharged from the court's jurisdiction; and

9 (B) requested that the court's jurisdiction be
10 continued after the child reaches 18 years of age,
11 but in no circumstances beyond 21 years of age, on
12 the basis that the child meets any of the conditions
13 set forth in subsection (f.1)(6).

14 (ii) been informed of services available to the
15 child if the child remains under the jurisdiction of the
16 court.

17 For children placed in foster care on or before November 19,
18 1997, the county agency shall file or join a petition for
19 termination of parental rights under this subsection in
20 accordance with section 103(c)(2) of the Adoption and Safe
21 Families Act of 1997 (Public Law 105-89, 111 Stat. 2119).

22 (f.1) Additional determination.--Based upon the
23 determinations made under subsection (f) and all relevant
24 evidence presented at the hearing, the court shall determine one
25 of the following:

26 * * *

27 (6) Whether the child will remain under the jurisdiction
28 of the court after the child reaches 18 years of age and the
29 duration of the court's jurisdiction, which in no case shall
30 continue once the child reaches 21 years of age, based on a

1 determination by the court that the child meets any of the
2 following conditions:

3 (i) is completing a secondary education program or a
4 program leading to an equivalent credential;

5 (ii) is enrolled in an institution that provides
6 postsecondary or vocational education;

7 (iii) is participating in a program or activity
8 designed to promote employment or remove barriers to
9 employment;

10 (iv) is employed for at least 80 hours per month; or

11 (v) is incapable of doing any of the activities
12 described in subparagraph (i), (ii), (iii) or (iv) due to
13 a medical or behavioral health condition, which
14 incapability is supported by regularly updated
15 information in the case plan of the child.

16 * * *

17 (g) Court order.--On the basis of the determination made
18 under subsection (f.1), the court shall order the continuation,
19 modification or termination of placement or other disposition
20 which is best suited to the safety, protection and physical,
21 mental and moral welfare of the child, including continuation of
22 jurisdiction over a child who is determined to meet one of the
23 conditions enumerated in subsection (f.1) (6).

24 * * *

25 Section 3. Title 42 is amended by adding a section to read:
26 § 6351.2. Termination of jurisdiction.

27 (a) Court hearing.--A court hearing shall be held to
28 terminate the court's jurisdiction over a dependent child who is
29 18 years of age or older. At the hearing, the court shall
30 determine if the county agency did the following:

1 (1) held a transition plan meeting to develop a
2 transition plan; and

3 (2) prepared a transition plan.

4 (b) Transition plan.--A transition plan shall be
5 personalized at the direction of the child and shall include
6 specific plans for housing, health insurance, education,
7 opportunities for mentors and continuing support services, work
8 force supports and employment services. The plan shall be
9 prepared at least 180 days immediately prior to the date on
10 which the child will reach 18 years of age or, if the court has
11 extended jurisdiction for a child who is 18 years of age or
12 older, then 180 days immediately prior to the anticipated
13 termination of jurisdiction. It shall verify that the following
14 information, documents and services have been provided to the
15 child:

16 (1) Written information concerning the child's
17 dependency plan, including:

18 (i) the child's family history and placement
19 history;

20 (ii) the whereabouts of any siblings under the
21 jurisdiction of the juvenile court, unless the court
22 determines that sibling contact would jeopardize the
23 safety or welfare of the child or sibling; and

24 (iii) the date on which the jurisdiction of the
25 juvenile court would be terminated.

26 (2) The following documents:

27 (i) Social Security card.

28 (ii) Certified birth certificate.

29 (iii) Immunization and health records.

30 (iv) Education records.

1 (v) Documentation of the dates that the child was
2 under the jurisdiction of the court.

3 (vi) If applicable, proof of citizenship or
4 residence.

5 (vii) Driver's license or State identification card.

6 (3) Evidence that the child has received assistance in
7 completing an application for medical assistance or other
8 health insurance.

9 (4) In cases where the county agency is aware that the
10 child has or may need behavioral health services,
11 documentation that:

12 (i) The child has been referred to the county mental
13 health program established pursuant to the act of October
14 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the
15 Mental Health and Mental Retardation Act of 1966.

16 (ii) An assessment of current mental health needs
17 has been completed by a mental health professional.

18 (iii) If appropriate, a case manager through the
19 county mental health program has been assigned to the
20 child.

21 (iv) If the assessment reveals a need for services,
22 an interagency meeting has occurred among the child, any
23 family members or individuals identified as important to
24 the child, the child's county agency caseworker, the
25 child's county mental health case manager, if any, a
26 representative of the county adult mental health system,
27 any service providers and other individuals with
28 expertise on relevant systems who can assist in
29 developing a written plan that identifies appropriate
30 services for the child's transition from the court's

1 jurisdiction.

2 (v) Services recommended through the assessment and
3 agreed upon during the interagency meeting described in
4 subparagraph (iv), and included in the written plan, were
5 made available on or before the planned discharge date,
6 unless the services were applied for in a timely manner
7 and there is an explanation as to why services could not
8 be made available before discharge.

9 (5) In cases where the child has been identified as
10 having mental retardation, documentation that:

11 (i) The child has been registered with the county
12 mental retardation program established by the Mental
13 Health and Mental Retardation Act of 1966.

14 (ii) A service coordinator has been assigned to the
15 child by the county mental retardation program.

16 (iii) A Supports Intensity Scale (SIS) or similar
17 tool has been completed as developed by the Department of
18 Public Welfare.

19 (iv) A current Prioritization of Urgency of Need for
20 Services (PUNS) or successor form has been completed as
21 developed by the Department of Public Welfare.

22 (v) An interagency meeting to plan for the child's
23 transition from the jurisdiction of the court occurred at
24 least one year before the planned date of discharge, or
25 at the earliest time possible if the child's discharge
26 date is set for less than one year from the date it is
27 recorded in the child's permanency plan, and that the
28 meeting included the child, any family members or
29 individuals identified as important to the child, the
30 county agency caseworker, a provider of mental

1 retardation services familiar with the child, the child's
2 caseworker from the county mental retardation program,
3 the child's supports coordinator, a representative from
4 the Department of Public Welfare's developmental programs
5 and representatives from appropriate educational
6 programs.

7 (6) In cases where the child has autism, documentation
8 that:

9 (i) The Bureau of Autism Services in the Department
10 of Public Welfare was notified of the planned discharge
11 at least one year prior to the child's planned discharge
12 date recorded on the child's permanency plan or at the
13 earliest time possible if the child's discharge date is
14 set for less than one year from the date it is recorded
15 in the child's permanency plan.

16 (ii) The child's needs have been assessed and all
17 appropriate services and waivers have been applied for.

18 (iii) An interagency meeting to plan for the child's
19 transition from the jurisdiction of the court occurred at
20 least one year before the planned date of discharge, or
21 at the earliest time possible if the child's discharge
22 date is set for less than one year from the date it is
23 recorded in the child's permanency plan, and that the
24 meeting included the child, any family members or
25 individuals identified as important to the child, the
26 county agency caseworker, a representative from the
27 Department of Public Welfare responsible for
28 developmental programs and representatives from
29 appropriate educational programs.

30 (7) In cases where the child has a physical disability,

1 documentation that the county agency has notified appropriate
2 agencies that administer home-based and community-based
3 waivers under the medical assistance program for adults with
4 disabilities of the child's planned discharge and that an
5 assessment has been made whether the child may be eligible
6 for any waiver by the county agency and that an appropriate
7 application has been submitted at least six months prior to
8 the planned discharge recorded in the child's permanency plan
9 or the earliest time possible if the child's discharge date
10 is set for less than six months from the date it is recorded
11 in the child's permanency plan.

12 (8) A description of the child's suitable housing plan.

13 (9) Documentation that the child has a source of income
14 through employment or other legitimate means, which shall not
15 include public benefits unless the child has been determined
16 to be unable to work due to a disability.

17 (10) Documentation of the child's education plan and
18 that assistance has been provided in applying for admission
19 to college, a vocational training program or other
20 educational institution and in obtaining financial aid.

21 (11) Documentation that the county agency assisted the
22 child in identifying individuals who can support the child in
23 the child's transition to adulthood, including the child's
24 biological parents and relatives, especially where
25 appropriate, and adults who can serve as mentors.

26 (12) Documentation that the county agency has made
27 reasonable efforts to achieve permanency for the child,
28 including arranging for all available services and resources.

29 (13) Documentation that an application for Supplemental
30 Security Income (SSI) benefits has been submitted for any

1 child with a disability 90 days prior to the child's
2 discharge from the court's jurisdiction.

3 (14) Documentation that the child has been informed by
4 the county agency that the child may request the court to
5 continue jurisdiction and that the child may request that the
6 court resume jurisdiction prior to when the child attains 21
7 years of age in accordance with this chapter.

8 (c) Continued jurisdiction related to plan.--The court shall
9 continue jurisdiction if the court determines that the county
10 agency has not met the requirements of subsection (b), in which
11 case the court shall order continued jurisdiction for a period
12 of time in order that the county agency meet the requirements.

13 (d) Petition to resume jurisdiction.--

14 (1) At any time prior to a child reaching 21 years of
15 age, a child for whom dependency jurisdiction was terminated
16 when the child was 18 years of age or older may request that
17 the court resume dependency jurisdiction if the child meets
18 any one of the conditions enumerated in section 6351(f.1.) (6)
19 (relating to disposition of dependent child).

20 (2) A petition can be filed in the county wherein the
21 child was formerly adjudicated dependent as follows:

22 (i) Upon the child's request to the county agency to
23 resume dependency jurisdiction, the county agency shall
24 file a petition with the court pursuant to section 6334
25 (relating to petition) for an adjudication that court
26 jurisdiction shall be resumed.

27 (ii) The child's guardian ad litem or legal counsel
28 appointed prior to the child's discharge from the
29 jurisdiction of the court may file a petition at the
30 request of the child.

1 (iii) If the child contacts the court directly and
2 requests that a petition to resume court jurisdiction be
3 filed, the court shall make available sample petitions to
4 the child.

5 (3) A hearing on the petition shall be scheduled in
6 accordance with section 6335 (relating to release or holding
7 of hearing).

8 (4) The court shall appoint a guardian ad litem or legal
9 counsel for the child pursuant to section 6311 (relating to
10 guardian ad litem for child in court proceedings) and section
11 6337 (relating to right to counsel) in any proceeding under
12 this chapter. If possible, the court shall appoint the
13 guardian ad litem or legal counsel who represented the child
14 in a prior dependency proceeding.

15 (5) If the court resumes jurisdiction of the child,
16 permanency review hearings shall be scheduled in accordance
17 with section 6351 until court jurisdiction is terminated, but
18 no later than when the child attains 21 years of age.

19 Section 4. This act shall take effect in one year.