
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1076 Session of
2013

INTRODUCED BY MOUL, HENNESSEY, HEFFLEY, COHEN, KORTZ, V. BROWN,
C. HARRIS, D. COSTA, PICKETT, HESS, QUINN, GROVE, WATSON,
DAVIDSON, FABRIZIO, MURT, EVERETT AND MILLER, APRIL 2, 2013

REFERRED TO COMMITTEE ON HUMAN SERVICES, APRIL 2, 2013

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for family
4 conferencing.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Public Welfare Code, is amended by adding an article to
9 read:

10 ARTICLE XIII-B

11 FAMILY CONFERENCING

12 Section 1301-B. Scope of article.

13 This article relates to family conferencing.

14 Section 1302-B. Definitions.

15 The following words and phrases when used in this article
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Accept for service." Decide on the basis of the needs and

1 problems of an individual to admit or receive the individual as
2 a client of the county agency or as required by a court order
3 entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

4 "Child." As defined in section 1302.

5 "Children and youth social services." Public child welfare
6 services, including those activities or services designed to:

7 (1) Prevent neglect, abuse and exploitation and help
8 overcome problems that result in dependency and delinquency.

9 (2) Provide services which protect children from
10 continued harm to families in their own homes.

11 (3) Provide temporary, substitute care in foster family
12 homes or residential child care facilities for a child in
13 need of care.

14 (4) Reunite children and their families if children are
15 placed in temporary substitute care.

16 (5) Provide a permanent, legally assured family for
17 children in temporary, substitute care who cannot be returned
18 to their homes.

19 (6) Provide court-ordered care or supervision to alleged
20 or adjudicated dependent or delinquent children.

21 "County agency." The county children and youth social
22 service agency exercising the power and duties provided for in
23 section 405 of the act of June 24, 1937 (P.L.2017, No.396),
24 known as the County Institution District Law, or its successor,
25 and supervised by the Department of Public Welfare under Article
26 IX.

27 "Family." A child's parents, stepparents, relatives and kin.

28 "Family conferencing." A child welfare practice where a
29 child's family, in consultation with a county agency or its
30 designee, develops a service plan to address concerns for the

1 child's safety, permanency and well-being through meetings
2 sponsored by a county agency or its designee.

3 "Kin." An individual 21 years of age or older who is one of
4 the following:

5 (1) A godparent of the child as recognized by an
6 organized church.

7 (2) A member of the child's tribe, nation or tribal
8 organization.

9 (3) An individual with a significant, positive
10 relationship with the child or family.

11 "Relative." As defined in section 1302.

12 "Service plan." A written plan for a family receiving
13 children and youth social services that is developed in
14 accordance with Department of Public Welfare regulations.
15 Section 1303-B. Offer of family conferencing.

16 (a) General rule.--Within five years of the effective date
17 of this article, a county agency shall offer all children and
18 families who are accepted for service an opportunity to engage
19 in family conferencing. Family conferencing shall be offered at
20 least once annually as well as at key decision points that
21 impact the development or revision of service plans for the
22 child and the family. Family conferencing shall be offered until
23 the child and the family's involvement with the county agency is
24 terminated.

25 (b) Exceptions.--The county agency is not required to offer
26 family conferencing in the following situations:

27 (1) The child has been adjudicated dependent pursuant to
28 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court
29 has made a specific determination that family conferencing
30 does not serve the best interests of the child or is a threat

1 to the safety of the child or another family member.

2 (2) The child is not under the jurisdiction of a court
3 and the county agency has determined that continued family
4 finding is a threat to the safety of the child or another
5 family member. A determination that continued family finding
6 is a threat to the safety of the child or another family
7 member must be based on credible information about a specific
8 safety threat, and the county agency shall document the
9 reasons for its determination.

10 (3) The child is in a preadoptive placement, and court
11 proceedings to adopt the child have been commenced pursuant
12 to 23 Pa.C.S. Pt. III (relating to adoption).

13 Section 1304-B. Preparing for the family conference.

14 The county agency shall consult with the child and the
15 child's parents or legal guardian to determine who they want to
16 invite to attend the family conference. The county agency shall
17 allow the child and the child's siblings to participate in the
18 family conference in a manner appropriate to age and maturity.
19 The county agency is responsible for preparing the family and
20 child to safely participate in the family conference and
21 identifying services available to assist the family with
22 addressing concerns identified by the county agency or a court.
23 This preparation shall include, but is not limited to, informing
24 the family and the child about the purpose and the goal of the
25 family conference and identifying services available to assist
26 the family with addressing concerns identified by the county
27 agency or a court. The county agency is responsible for equally
28 promoting maternal and paternal family involvement in the family
29 conference.

30 Section 1305-B. Family responsibilities.

1 The family shall be responsible for the development of a
2 service plan during the family conference. The service plan
3 shall address the concerns of safety, permanency and well-being
4 within the family as well as other concerns which have been
5 identified by the county agency or a court regarding the child.

6 Section 1306-B. Family discussion.

7 The family conference shall include a private discussion by
8 the family about the available resources within the family, the
9 community and the county agency. The family shall be responsible
10 for determining which resources to utilize to address the
11 concerns of safety, permanency and well-being identified by the
12 county agency or a court.

13 Section 1307-B. Service plan requirements.

14 In order for a service plan to take effect, it must be
15 approved by the county agency or a court. If a family is unable
16 to develop an approved service plan through the family
17 conference, the county agency shall determine other means to
18 engage the family and the child, if appropriate, in the
19 development of a service plan that addresses the concerns of
20 safety, permanency and well-being identified by the county
21 agency or a court. The county agency shall support the
22 implementation of a service plan and attempt to ensure that the
23 implementation of the service plan resolves the safety,
24 permanency and well-being concerns identified by the county
25 agency or a court. Reasonable efforts to engage the child's
26 family in decisions regarding the child's safety, permanency or
27 well-being shall be made by the county agency on an ongoing
28 basis until the child's involvement with the county agency is
29 terminated.

30 Section 1308-B. Implementation of family conferencing.

1 The department shall require county agencies to gradually
2 implement family conferencing so that county agencies are
3 prepared to comply with this article as follows:

4 (1) Within three years of the effective date of this
5 article, a county agency shall offer opportunity to engage in
6 family conferencing to all children and families where the
7 child has been placed outside the home.

8 (2) Within five years of the effective date of this
9 article, a county agency shall offer opportunity to engage in
10 family conferencing to all children and families who are
11 accepted for service.

12 Section 1309-B. Regulations.

13 Within one year of the effective date of this article, the
14 department shall promulgate regulations necessary to carry out
15 the provisions of this article.

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