
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1350 Session of
2015

INTRODUCED BY MOUL, BISHOP, PICKETT, A. HARRIS, READSHAW, MURT,
KORTZ AND WATSON, JUNE 29, 2015

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JUNE 29, 2015

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
19 problems of an individual to admit or receive the individual as

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

3 "Child." As defined in section 1302.

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

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

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

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

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

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

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

20 "County agency." As defined in section 1302.

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

22 "Family conferencing." A child welfare practice where a
23 child's family, in consultation with a county agency or its
24 designee, develops a plan to address concerns for the child's
25 safety, permanency and well-being through meetings sponsored by
26 a county agency or its designee.

27 "Kin." As defined in section 1302.

28 "Relative." As defined in section 1302.

29 "Service plan." A written plan for a family receiving
30 children and youth social services that is developed in

1 accordance with department regulations.

2 Section 1303-B. Offer of family conferencing.

3 (a) General rule.--Within five years of the effective date
4 of this article, a county agency shall offer all children and
5 families who are accepted for service an opportunity to engage
6 in family conferencing. Family conferencing shall be offered at
7 key decision points that impact the development or revision of
8 service plans for the child and the family. Family conferencing
9 shall be offered until the child and the family's involvement
10 with the county agency is terminated.

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

13 (1) The child has been adjudicated dependent under 42
14 Pa.C.S. Ch. 63 (relating to juvenile matters) and the court
15 has made a specific determination that family conferencing is
16 not best suited to the safety, protection and physical,
17 mental and moral welfare of the child or is a threat to the
18 safety of the child or another family member.

19 (2) The child is not under the jurisdiction of the court
20 and the county agency has determined that continued family
21 conferencing is a threat to the safety of the child or
22 another family member. A determination that continued family
23 conferencing is a threat to the safety of the child or
24 another family member must be based on credible information
25 about a specific safety threat, and the county agency shall
26 document the reasons for its determination.

27 (3) The child is in a preadoptive placement, and court
28 proceedings to adopt the child have been commenced under 23
29 Pa.C.S. Pt. III (relating to adoption).

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

1 The county agency's responsibilities when preparing for the
2 family conference shall include, but are not limited to:

3 (1) Consulting with the child and the child's parents or
4 legal guardian to determine who the parents or legal guardian
5 wants to invite to attend the family conference.

6 (2) Allowing the child and the child's siblings to
7 participate in the family conference in a manner appropriate
8 to age and maturity.

9 (3) Preparing the family and child to safely participate
10 in the family conference. This preparation includes, but is
11 not limited to:

12 (i) Identifying services available to assist the
13 family with addressing concerns identified by the county
14 agency or the court.

15 (ii) Informing the family about the purpose and the
16 goal of the family conference and the identified services
17 available to assist them with addressing the concerns for
18 the child.

19 (4) Equally promoting maternal and paternal family
20 involvement in the family conference.

21 (5) Consulting relevant service providers.

22 (6) Consulting and engaging the child's guardian ad
23 litem and the parent's attorney, if applicable.

24 Section 1305-B. Family responsibilities.

25 The family shall be responsible for the development of a
26 plan, which shall be incorporated into the service plan. The
27 plan shall address the concerns of safety, permanency and well-
28 being within the family as well as other concerns which have
29 been identified by the county agency or the court regarding the
30 child.

1 Section 1306-B. Family discussion.

2 The family conference shall include a discussion by the
3 family about the available resources within the family, the
4 community and the county agency. The family shall be responsible
5 for determining which resources to utilize to address the
6 concerns of safety, permanency and well-being identified by the
7 county agency or the court. The family shall determine whether
8 or not to hold this discussion in private. However, if the child
9 is under the jurisdiction of the court, the court may require
10 that the discussion be held in private by the family.

11 Section 1307-B. Plan requirements.

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

28 Section 1308-B. Implementation of family conferencing.

29 The department shall require county agencies to gradually
30 implement family conferencing so that county agencies are

1 prepared to comply with this article as follows:

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

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

10 Section 1309-B. Regulations.

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

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