

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1809 Session of  
2015

INTRODUCED BY TOOHL, LEWIS, BOBACK, R. BROWN, DEAN, FEE,  
HARHART, A. HARRIS, HICKERNELL, McNEILL, MILLARD, MURT,  
PICKETT, ROTHMAN, STEPHENS AND WARD, JANUARY 27, 2016

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 2016

AN ACT

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

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

7 Section 1. Section 6302 of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended by adding definitions to read:  
9 § 6302. Definitions.

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

13 \* \* \*

14 "Child in foster care." Either of the following:

15 (1) A child who is the care and responsibility of the  
16 Commonwealth and placed in foster care, as defined in 45 CFR  
17 1355.20 (relating to definitions), pursuant to section 6351  
18 (relating to disposition of dependent child) or 6352

(relating to disposition of delinquent child).

(2) A child placed pursuant to a voluntary placement agreement under 55 Pa. Code § 3130.65 (relating to voluntary placement agreement).

\* \* \*

"School stability." The right of a child in foster care to attend either of the following:

(1) the school the child currently attends; or

(2) the school the child attended when initially placed by the county agency.

\* \* \*

Section 2. Sections 6332 and 6351 of Title 42 are amended by adding subsections to read:

§ 6332. Informal hearing.

\* \* \*

(c) School of child while in shelter care.--The following shall apply to situations in which a child is placed in shelter care that would otherwise result in the child attending a new school:

(1) The court shall ensure that the child shall remain in the school the child attended immediately prior to placement, unless the court determines that remaining in the same school would be contrary to the child's safety or well-being.

(2) In making a determination under paragraph (1), the court shall consider the wishes of the parent or other legally authorized education decision maker and, where appropriate, the wishes of the child.

§ 6351. Disposition of dependent child.

\* \* \*

1     (b.2) Required preplacement findings regarding school  
2     stability for children placed in temporary legal custody.--The  
3     following shall apply to situations in which a child is placed  
4     in temporary legal custody that would otherwise result in the  
5     child attending a new school:

6             (1) Upon any proposed or actual change in placement or  
7             upon request of any party, the court shall determine and make  
8             findings on the record regarding whether school stability is  
9             in the child's best interests. The following apply:

10            (i) The court's determination may be made during the  
11            initial disposition hearing. The issue of the child's  
12            best interests may also be brought before the court at  
13            any time.

14            (ii) In making a determination, the presumption  
15            shall be in favor of providing the child school stability  
16            unless the court determines that remaining in a prior  
17            school is contrary to the safety or best interests of the  
18            child.

19            (2) Transportation to maintain school stability shall be  
20            provided in accordance with all requirements set forth in the  
21            act of March 10, 1949 (P.L.30, No.14), known as the Public  
22            School Code of 1949, and any applicable contractual  
23            agreement.

24            \* \* \*

25            (k) Applicability.--The provisions of subsection (b.2) shall  
26            apply to any child in foster care.

27            Section 3. This act shall take effect in 60 days.