THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1271 Session of 2015

INTRODUCED BY BROWNE, SCARNATI, COSTA, WARD, VULAKOVICH, EICHELBERGER, BARTOLOTTA, MENSCH, SCHWANK, GREENLEAF, TEPLITZ, FONTANA, RAFFERTY, HUGHES, BREWSTER, TARTAGLIONE AND HAYWOOD, MAY 18, 2016

REFERRED TO JUDICIARY, MAY 18, 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

1   (relating to disposition of delinquent child).

2   (2) A child placed pursuant to a voluntary placement

3   agreement under 55 Pa. Code § 3130.65 (relating to voluntary

4   placement agreement).

5   * * *

6   "School stability." The right of a child in foster care to

7 attend either of the following:

8   (1) the school the child currently attends; or

9   (2) the school the child attended when initially placed

10   by the county agency.

11   * * *

12   Section 2. Sections 6332 and 6351 of Title 42 are amended by

13 adding subsections to read:

14 § 6332. Informal hearing.

15   * * *

16   (c) School of child while in shelter care.--The following

17 shall apply to situations in which a child is placed in shelter

18 care that would otherwise result in the child attending a new

19 school:

20   (1) The court shall ensure that the child shall remain

21   in the school the child attended immediately prior to

22   placement, unless the court determines that remaining in the

23   same school would be contrary to the child's safety or well-

24   being.

25   (2) In making a determination under paragraph (1), the

26   court shall consider the wishes of the parent or other

27   legally authorized education decision maker and, where

28   appropriate, the wishes of the child.

29 § 6351. Disposition of dependent child.

30   * * *

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.