
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1028 Session of
2017

INTRODUCED BY MOUL, NEILSON, BULLOCK, PICKETT, WATSON, A. HARRIS
AND ZIMMERMAN, MARCH 30, 2017

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 30, 2017

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 Human Services 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 (relating to
4 definitions).

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." As defined in section 1302.

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

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

28 "Kin." As defined in section 1302.

29 "Relative." As defined in section 1302.

30 "Service plan." A written plan for a family receiving

1 children and youth social services that is developed in
2 accordance with department regulations.

3 Section 1303-B. Offer of family conferencing.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (5) Consulting relevant service providers.

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

25 Section 1305-B. Family responsibilities.

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

1 child.

2 Section 1306-B. Family discussion.

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

12 Section 1307-B. Plan requirements.

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

29 Section 1308-B. Implementation of family conferencing.

30 The department shall require county agencies to gradually

1 implement family conferencing so that county agencies are
2 prepared to comply with this article as follows:

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

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

11 Section 1309-B. Regulations.

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

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