
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1087 Session of
2018

INTRODUCED BY BAKER AND SCHWANK, MARCH 15, 2018

REFERRED TO HEALTH AND HUMAN SERVICES, MARCH 15, 2018

AN ACT

1 Establishing a joint legislative, executive and judicial
2 commission on the child-welfare system.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Interbranch
7 Commission on the Child-Welfare System Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Recent events, including those surrounding the
11 abusive treatment and ultimate death of a child who was
12 adopted after having been placed in foster care through the
13 Commonwealth's child-welfare system, require a noncriminal
14 investigation and review of the operations of the child-
15 welfare system in this Commonwealth.

16 (2) These events have eroded the trust and confidence in
17 the Commonwealth's child-welfare system.

18 (3) The Auditor General identified numerous deficiencies

1 in the child-welfare system in a special report entitled
2 "State of the Child," dated September 2017. In that report,
3 the Auditor General stated that the "child-welfare system is
4 broken" and listed a total of seven report observations on
5 the state of the system.

6 (4) It is not clear what progress has been made
7 regarding addressing these observations or whether additional
8 or different steps should be taken.

9 (5) It is not clear that the funding of child-welfare
10 services in this Commonwealth is consistent with the purpose
11 and mission of the child-welfare system.

12 (6) Therefore, the legislative, judicial and executive
13 branches of State government should undertake a joint
14 noncriminal investigation and review to ascertain whether the
15 child-welfare system is failing to protect children in this
16 Commonwealth. The review should:

17 (i) ascertain how the child-welfare system failed in
18 recent cases of death or near death of children in the
19 child-welfare system;

20 (ii) restore public confidence in the protection of
21 children who have been referred to, are under the care of
22 or have been adopted after having been under the care of
23 the child-welfare system; and

24 (iii) ensure that children in this Commonwealth's
25 child-welfare system are adequately protected.

26 Section 3. Definitions.

27 The following words and phrases when used in this act shall
28 have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Commission." The Interbranch Commission on the Child-

1 Welfare System established under this act.

2 "Department." The Department of Human Services of the
3 Commonwealth.

4 Section 4. Commission.

5 (a) Establishment.--The Interbranch Commission on the Child-
6 Welfare System is established.

7 (b) Membership.--The commission shall consist of the
8 following members, appointed within 25 days of the effective
9 date of this section:

10 (1) Four members appointed by the Chief Justice of the
11 Supreme Court of Pennsylvania as follows:

12 (i) Two juvenile court judges.

13 (ii) One guardian ad litem with experience as such
14 over at least a five-year period.

15 (iii) One member of the Juvenile Court Procedural
16 Rules Committee.

17 (2) Four members who are not members of the General
18 Assembly but who are knowledgeable and experienced in either
19 foster care or adoption or providing foster care or adoption
20 services to juveniles. One member shall be appointed by each
21 of the following:

22 (i) The President pro tempore of the Senate.

23 (ii) The Minority Leader of the Senate.

24 (iii) The Speaker of the House of Representatives.

25 (iv) The Minority Leader of the House of
26 Representatives.

27 (3) Four members appointed by the Governor. One member
28 must be a foster parent. One member must be a member of a
29 private sector organization providing foster or residential
30 care and two members must be members of a child-welfare or

1 advocacy group.

2 (4) The Auditor General or a designee.

3 (5) The Deputy Secretary for the Office of Children,
4 Youth and Families in the department.

5 (c) Chairperson.--A majority of the members shall select the
6 chairperson of the commission.

7 (d) Quorum and voting.--

8 (1) The physical presence of a majority of the members
9 constitutes a quorum.

10 (2) Action of the commission must be authorized or
11 ratified by majority vote of the members of the commission.

12 (e) Participation.--A member not physically present may
13 participate by teleconference or video conference.

14 (f) Meetings.--

15 (1) The commission shall meet at least once a month.
16 Additional meetings may be called by the chairperson as
17 necessary. The chairperson shall schedule a meeting upon
18 written request of four members of the commission.

19 (2) The first meeting shall be convened within 45 days
20 of the effective date of this section.

21 (3) The commission shall hold public hearings as
22 necessary to obtain the information required to conduct the
23 investigation and review under section 5.

24 (g) Expenses.--Members may not receive compensation but
25 shall be reimbursed for expenses incurred in service of the
26 commission.

27 (h) Support.--The department shall provide administrative
28 services to the commission.

29 (i) Collaboration.--The Administrative Office of
30 Pennsylvania Courts shall collaborate with the commission.

1 Section 5. Functions of commission.

2 (a) Powers.--The commission shall have the following powers:

3 (1) To investigate and analyze the events, practices,
4 processes, procedures and other activities surrounding the
5 abusive treatment of children who were in foster care,
6 including children who were adopted and who died from the
7 abuse.

8 (2) To investigate and analyze the events, practices,
9 processes, procedures and other activities related to the
10 child-welfare system in this Commonwealth.

11 (3) To review the procedures, practices and rules
12 relating to the selection of foster parents and potential
13 adoptive parents.

14 (4) To review procedures used in responding to the
15 conduct of foster and adoptive parents and to make
16 recommendations as necessary.

17 (5) To review the oversight of foster homes, potential
18 adoptive homes and other facilities for children in placement
19 in the child-welfare system.

20 (6) To hold public hearings for the taking of testimony
21 and the requesting of documents.

22 (7) To issue subpoenas under the hand and seal of its
23 chairperson commanding any person to appear before it and
24 answer questions concerning matters properly being inquired
25 into by the commission and to produce any books, papers,
26 records, documents, data and information produced and stored
27 by an electronic data processing system as the commission
28 deems necessary. The subpoenas may be served upon a person
29 and shall have the force and effect of subpoenas issued out
30 of the courts of this Commonwealth. A person who willfully

1 neglects or refuses to testify before the commission or to
2 produce a book, paper, record, document or data or
3 information produced and stored by an electronic data
4 processing system shall be subject to the penalties provided
5 by the laws of this Commonwealth.

6 (8) Through the chairperson of the commission, to
7 administer oaths and affirmations to witnesses appearing
8 before the commission.

9 (9) To cause the deposition of witnesses in this
10 Commonwealth to be taken in the manner prescribed by law for
11 taking depositions in civil actions.

12 (b) Duties.--The commission shall have the following duties:

13 (1) To accept and review written comments from an
14 individual or organization.

15 (2) To make, within 24 months of the effective date of
16 this section, recommendations to the Governor, the Supreme
17 Court, the Senate, the House of Representatives and the
18 department based on the investigation of issues under
19 subsection (a). This paragraph includes recommendations:

20 (i) To improve the child-welfare system.

21 (ii) To prevent the reoccurrence of events of abuse
22 of children in the child-welfare system.

23 (iii) To change State statutes and State and local
24 practices, rules, policies and procedures.

25 (3) To make reports as follows:

26 (i) The commission may file status reports and
27 updates with the Governor, the Supreme Court, the Senate,
28 the House of Representatives and the department as the
29 commission deems appropriate.

30 (ii) The commission shall issue a final report

1 within 24 months of the effective date of this section.

2 (iii) A report under this paragraph must be adopted
3 at a public meeting.

4 (iv) A report under this paragraph shall be a public
5 record under the act of February 14, 2008 (P.L.6, No.3),
6 known as the Right-to-Know Law.

7 Section 6. Expiration.

8 This act shall expire two years from the effective date of
9 this section.

10 Section 7. Effective date.

11 This act shall take effect immediately.