
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 297 Session of
2019

INTRODUCED BY BAKER, SCHWANK, SANTARSIERO, FONTANA, ARGALL,
COSTA, VOGEL, K. WARD, REGAN, BROWNE, YUDICHAK, TARTAGLIONE,
LEACH AND HAYWOOD, FEBRUARY 14, 2019

REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 14, 2019

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.

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

7 (4) It is not clear what progress has been made
8 regarding addressing the report's observations or whether
9 additional or different steps need to be taken.

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

13 (6) Therefore, the legislative, judicial and executive
14 branches of State government should undertake a joint
15 noncriminal investigation and review of the child welfare
16 system. The review should:

17 (i) Focus on the strengths and challenges of the
18 child welfare system.

19 (ii) Restore public confidence in the protection of
20 children who have been placed in foster care or have been
21 adopted after having been under the care of the child
22 welfare system.

23 (iii) Ensure that children in this Commonwealth's
24 child welfare system are adequately protected.

25 Section 3. Definitions.

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

29 "Commission." The Interbranch Commission on the Child
30 Welfare System established under section 4.

1 "Department." The Department of Human Services of the
2 Commonwealth.
3 Section 4. Commission.

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

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

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

11 (i) Two juvenile court judges.

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

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

16 (iv) Two attorneys who have experience representing
17 parents in dependency hearings.

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

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

24 (ii) The Minority Leader of the Senate.

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

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

28 (3) Five members appointed by the Governor as follows:

29 (i) One foster parent.

30 (ii) One member of a private sector organization

1 providing foster or residential care.

2 (iii) One member of a child welfare or advocacy
3 group.

4 (iv) One representative of a county children and
5 youth agency.

6 (v) One representative with a background in child
7 welfare from a school of social work at an institution of
8 higher learning.

9 (4) The Auditor General or a designee.

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

12 (c) Chairperson.--A majority of the members shall select the
13 chairperson of the commission.

14 (d) Quorum and voting.--

15 (1) A majority of the members constitutes a quorum.

16 (2) Action of the commission shall be authorized or
17 ratified by majority vote of the members of the commission.

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

20 (f) Meetings.--

21 (1) The commission shall meet at least once a month.
22 Additional meetings may be called by the chairperson as
23 necessary. The chairperson shall schedule a meeting upon
24 written request of four members of the commission.

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

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

30 (g) Expenses.--Members may not receive compensation but

1 shall be reimbursed for expenses incurred in service of the
2 commission.

3 (h) Support.--The department shall provide administrative
4 services to the commission.

5 (i) Collaboration.--The Administrative Office of
6 Pennsylvania Courts and the Juvenile Court Judges' Commission
7 shall collaborate with the commission.

8 Section 5. Powers and duties of commission.

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

10 (1) To investigate and analyze the events, practices,
11 processes, procedures and other activities surrounding the
12 treatment of children in foster care, including children who
13 were adopted and later died from abuse.

14 (2) To investigate and analyze the events, practices,
15 processes, procedures and other activities related to the
16 child welfare system in this Commonwealth.

17 (3) To review the procedures, practices and rules
18 relating to the selection of foster parents and potential
19 adoptive parents.

20 (4) To review procedures used in responding to the
21 conduct of foster and adoptive parents and to make
22 recommendations as necessary.

23 (5) To review the oversight and licensing of county and
24 private children and youth agencies, foster care agencies and
25 adoption agencies.

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

28 (7) To issue subpoenas under the hand and seal of its
29 chairperson commanding any person to appear before the
30 commission and answer questions concerning matters properly

1 being inquired into by the commission and to produce any
2 books, papers, records, documents, data and information
3 produced and stored by an electronic data processing system
4 as the commission deems necessary. The subpoenas may be
5 served upon a person and shall have the force and effect of
6 subpoenas issued out of the courts of this Commonwealth. A
7 person who willfully neglects or refuses to testify before
8 the commission or to produce a book, paper, record, document
9 or data or information produced and stored by an electronic
10 data processing system shall be subject to the penalties
11 provided by the laws of this Commonwealth.

12 (8) Through the chairperson of the commission, to
13 administer oaths and affirmations to witnesses appearing
14 before the commission.

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

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

19 (1) To accept and review written comments from an
20 individual or organization.

21 (2) To keep all individually identifiable information
22 confidential.

23 (3) To make, within 24 months of the effective date of
24 this section, recommendations to the Governor, the Supreme
25 Court, the Senate, the House of Representatives and the
26 department based on the investigation of issues under
27 subsection (a). This paragraph includes recommendations:

28 (i) To improve the child welfare system, including
29 expanding current successful practices.

30 (ii) To prevent the reoccurrence of events of abuse

1 of children in the child welfare system.

2 (iii) To change State statutes and State and local
3 practices, rules, policies and procedures.

4 (4) To make reports as follows:

5 (i) The commission may file status reports and
6 updates with the Governor, the Supreme Court, the Senate,
7 the House of Representatives and the department as the
8 commission deems appropriate.

9 (ii) The commission shall issue a final report
10 within 24 months of the effective date of this section.

11 (iii) A report under this paragraph shall be adopted
12 at a public meeting.

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

16 Section 6. Expiration.

17 This act shall expire two years from the effective date of
18 this section.

19 Section 7. Effective date.

20 This act shall take effect immediately.