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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 997 Session of  
2021

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INTRODUCED BY BAKER, SCHWANK, MARTIN, COMMITTA, FONTANA, KANE,  
J. WARD, MUTH, STEFANO, COSTA, SANTARSIERO, HAYWOOD AND  
BREWSTER, DECEMBER 29, 2021

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REFERRED TO HEALTH AND HUMAN SERVICES, DECEMBER 29, 2021

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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) Eight members appointed by the Chief Justice of the  
10 Supreme Court of Pennsylvania as follows:

11 (i) Two juvenile court judges.

12 (ii) Two guardians 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 (v) The director of the Office of Children and  
19 Families in the Courts.

20 (2) Eight members who must not be members of the General  
21 Assembly but who must be knowledgeable and experienced in  
22 either foster care or adoption or providing foster care or  
23 adoption services to juveniles. The members shall be  
24 appointed as follows:

25 (i) The President pro tempore of the Senate shall  
26 appoint two members.

27 (ii) The Minority Leader of the Senate shall appoint  
28 two members.

29 (iii) The Speaker of the House of Representatives  
30 shall appoint two members.

1           (iv) The Minority Leader of the House of  
2 Representatives shall appoint two members.

3           (3) Seven members appointed by the Governor as follows:

4           (i) Two foster parents.

5           (ii) One member of a private sector organization  
6 providing foster or residential care.

7           (iii) One member of a child welfare or advocacy  
8 group.

9           (iv) Two representatives of a county children and  
10 youth agency.

11           (v) One child or adolescent psychologist or  
12 psychiatrist.

13           (4) The Deputy Secretary for Children, Youth and  
14 Families in the department.

15           (c) Geographic diversity.--

16           (1) Of the seven members appointed under subsection (b)  
17 (1) (i), (ii), (iii) and (iv), at least one shall be from each  
18 of the areas represented by the four regional offices under  
19 the Office of Children, Youth and Families and the remaining  
20 three appointments may be from any part of this Commonwealth.

21           (2) Of the members appointed under subsection (b) (3), at  
22 least one shall be from each of the areas represented by the  
23 four regional offices under the Office of Children, Youth and  
24 Families and the remaining three appointments may be from any  
25 part of this Commonwealth.

26           (d) Chairperson.--A majority of the members shall select the  
27 chairperson of the commission. The chairperson may not be an  
28 elected official or an employee of the department.

29           (e) Quorum and voting.--

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

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

3           (f) Participation.--A member not physically present may  
4 participate by teleconference or video conference.

5           (g) Meetings.--

6           (1) The commission shall meet as determined by the  
7 chairperson but at least once a month. Additional meetings  
8 may be called by the chairperson as necessary. The  
9 chairperson shall schedule a meeting upon written request of  
10 four members of the commission.

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

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

16           (h) Expenses.--Members may not receive compensation but  
17 shall be reimbursed for expenses incurred in service of the  
18 commission.

19           (i) Support.--The department shall provide administrative  
20 services to the commission.

21           (j) Collaboration.--The Administrative Office of  
22 Pennsylvania Courts and the Juvenile Court Judges' Commission  
23 shall collaborate with the commission.

24 Section 5. Powers and duties of commission.

25           (a) Powers.--The commission shall have the power to:

26           (1) Investigate and analyze the events, practices,  
27 processes, procedures and other activities surrounding the  
28 treatment of children in foster care, including children who  
29 were adopted and later died from abuse.

30           (2) Evaluate the processes used by the department and

1 county children and youth agencies.

2 (3) Review the procedures, services and supports made  
3 available to foster parents and potential adoptive parents.

4 (4) Review the recruitment, assessment, training and  
5 approval processes, including residence and safety  
6 requirements, for foster and adoptive parents.

7 (5) Review procedures used in responding to the conduct  
8 of foster and adoptive parents and to make recommendations as  
9 necessary.

10 (6) Review the oversight and licensing of county and  
11 private children and youth agencies, foster care agencies and  
12 adoption agencies.

13 (7) Hold public hearings for the taking of testimony and  
14 the requesting of documents.

15 (8) Issue subpoenas under the hand and seal of the  
16 chairperson of the commission commanding any person to appear  
17 before the commission and answer questions concerning matters  
18 properly under inquiry by the commission and to produce any  
19 books, papers, records, documents, data and information  
20 produced and stored by an electronic data processing system  
21 as the commission deems necessary. The following apply:

22 (i) A subpoena may be served upon a person and shall  
23 have the force and effect of a subpoena issued by a court  
24 of this Commonwealth.

25 (ii) A person who willfully neglects or refuses to  
26 testify before the commission or produce for the  
27 commission a book, paper, record, document or data or  
28 information produced and stored by an electronic data  
29 processing system shall be subject to the penalties  
30 provided by the laws of this Commonwealth.

1           (9) Through the chairperson of the commission,  
2 administer oaths and affirmations to witnesses appearing  
3 before the commission.

4           (10) Cause the deposition of witnesses in this  
5 Commonwealth to be taken in the manner prescribed by law for  
6 taking depositions in civil actions.

7       (b) Duties.--The commission shall have the duty to:

8           (1) Accept and review written comments from an  
9 individual or organization.

10          (2) Keep all individually identifiable information  
11 confidential.

12          (3) Make, within 18 months of the effective date of this  
13 section, recommendations to the Governor, the Supreme Court,  
14 the Senate, the House of Representatives and the department  
15 based on the investigation of issues under subsection (a).

16 This paragraph includes recommendations to:

17           (i) Improve the child welfare systems specifically  
18 related to current successful safety practices.

19           (ii) Prevent the reoccurrence of abuse and neglect  
20 of children in the child welfare system.

21           (iii) Change State statutes and State and local  
22 practices, rules, policies and procedures related to  
23 foster care and adoption that ensure the safety of  
24 children.

25       (4) 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 shall be adopted  
3           at a public meeting.

4           (iv) A report under this paragraph shall be  
5           available under the act of February 14, 2008 (P.L.6,  
6           No.3), 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.