

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1075 Session of 2013

INTRODUCED BY MOUL, CALTAGIRONE, DAVIS, HENNESSEY, COHEN, KORTZ, C. HARRIS, D. COSTA, PICKETT, MUNDY, HESS, GINGRICH, QUINN, WATSON, DAVIDSON, SAYLOR, FABRIZIO, MURT, EVERETT, GROVE, MILLER AND BISHOP, APRIL 2, 2013

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 3, 2013

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," in kinship care, further
4 providing for scope and for definitions; and providing for
5 family finding.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The heading of Article XIII of the act of June
9 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,
10 added September 30, 2003 (P.L.169, No.25), is amended to read:

11 ARTICLE XIII

12 FAMILY FINDING AND KINSHIP CARE

13 Section 2. Section 1301 of the act, added September 30, 2003
14 (P.L.169, No.25), is amended to read:

15 Section 1301. [Scope] Legislative intent.

16 [This article relates to the Kinship Care Program.] This
17 article is intended to ensure that family finding occurs on an
18 ongoing basis for all children entering the child welfare

1 system. This article is also intended to promote the use of
2 kinship care when it is necessary to remove a child from the
3 child's home in an effort to:

4 (1) Identify and build positive connections between the
5 child and the child's relatives and kin.

6 (2) Support the engagement of relatives and kin in
7 children and youth social service planning and delivery.

8 (3) Create a network of extended family support to
9 assist in remedying the concerns that led the child to be
10 involved with the county agency.

11 Section 3. Section 1302 of the act is amended by adding
12 definitions to read:

13 Section 1302. Definitions.

14 The following words and phrases when used in this article
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Accept for service." Decide on the basis of the needs and
18 problems of an individual to admit or receive the individual as
19 a client of the county agency or as required by a court order
20 entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

21 * * *

22 "Family finding." Ongoing diligent efforts between a county
23 agency, or its contracted providers, and relatives and kin to:

24 (1) Search for and identify adult maternal and paternal
25 relatives and kin and engage them in children and youth
26 social service planning and delivery.

27 (2) Gain commitment from relatives and kin to support a
28 child or parent receiving children and youth social services.

29 * * *

30 Section 4. The act is amended by adding sections to read:

1 Section 1302.1. Family finding required.

2 Family finding shall be conducted for a child when the child
3 is accepted for services and at least annually thereafter, until
4 the child's involvement with the county agency is terminated or
5 the family finding is discontinued in accordance with section
6 1302.2.

7 Section 1302.2. Discontinuance of family finding.

8 (a) General rule.--A county agency may discontinue family
9 finding for a child under the following circumstances:

10 (1) The child has been adjudicated dependent pursuant to
11 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court
12 has made a specific determination that continued family
13 finding no longer serves the best interests of the child or
14 is a threat to the child's safety.

15 (2) The child is not under the jurisdiction of a court
16 and the county agency has determined that continued family
17 finding is a threat to the child's safety. A determination
18 that continued family finding is a threat to the child's
19 safety must be based on credible information about a specific
20 safety threat, and the county agency shall document the
21 reasons for its determination.

22 (3) The child is IN a preadoptive placement, and court <--
23 proceedings to adopt the child have been commenced pursuant
24 to 23 Pa.C.S. Part III (relating to adoption).

25 (b) Resuming family finding.--Notwithstanding the provisions
26 of subsection (a), a county agency shall resume family finding
27 for a child if ~~resuming family finding serves the best interest~~ <--
28 ~~of the child and does not pose a threat to the child's safety.:~~ <--

29 (1) THE CHILD IS UNDER THE JURISDICTION OF A COURT, AND
30 THE COURT DETERMINES THAT RESUMING FAMILY FINDING IS BEST

1 SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL AND
2 MORAL WELFARE OF THE CHILD AND DOES NOT POSE A THREAT TO THE
3 CHILD'S SAFETY; OR

4 (2) THE CHILD IS NOT UNDER THE JURISDICTION OF A COURT,
5 AND RESUMING FAMILY FINDING SERVES THE BEST INTEREST OF THE
6 CHILD AND DOES NOT POSE A THREAT TO THE CHILD'S SAFETY.

7 Section 5. Within one year of the effective date of the
8 amendment or addition of sections 1301, 1302, 1302.1 and 1302.2
9 of the act, the Department of Public Welfare shall promulgate
10 regulations providing for the requirements of county agencies.

11 Section 6. This act shall take effect in 60 days.