

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE


JAN 7 2009

SPECIAL TRANSMITTAL

SUBJECT: Act 76 of 2007

TO: County Children and Youth Social Service Agencies
Private Children and Youth Social Service Agencies
County Juvenile Probation Offices
County Children and Youth Solicitors
Juvenile Court Judges

FROM: Richard J. Gold
Deputy Secretary for Children, Youth and Families



PURPOSE:

The purpose of this transmittal is to inform public and private children and youth agencies, juvenile probation offices and the courts about the enactment of legislation earlier this year and the impact on agency operations and practice.

BACKGROUND:

On December 18, 2007, Governor Edward G. Rendell signed Senate Bill 1156, Printer's Number 1576, into law creating Act 76 of 2007. The law amends Title 42 of the Pennsylvania Consolidated Statutes, known as "The Juvenile Act", by further providing for notice and hearing, as well as for disposition of a dependent child. The law became effective January 1, 2008.

DISCUSSION:

Act 76 of 2007 amended The Juvenile Act to insure Pennsylvania's compliance with both Public Law 109-239 entitled the "Safe and Timely Interstate Placement of Foster Children Act of 2006", requiring that the court provide caretakers with the 'right' rather than the 'opportunity' to be heard, and Public Law 109-288 entitled the "Child and Family Services Improvement Act", requiring that the court consult with youth regarding their permanency plan. As the first of these compliance issues has already been addressed in another transmittal, this document is concerned only with the second provision.

Act 76 amended the Juvenile Act at 42 Pa. C.S. §6351 (e) (1) (relating to permanency hearings) to provide that in any permanency hearing held with respect to the child, the court shall consult with the child regarding the child's permanency plan in a

manner appropriate to the child's age and maturity. If the court does not consult personally with the child, the court is required to ensure that the views of the child regarding the permanency plan have been ascertained to the fullest extent possible and communicated to the court by the guardian ad litem, or as appropriate to the circumstances of the case by the child's counsel, the court-appointed special advocate or other person as designated by the court.

A copy of Act 76 is attached.

Any questions regarding this transmittal should be directed to the appropriate Office of Children, Youth and Families Regional Office.

Attachment

c: Mr. James Anderson, Juvenile Court Judges Commission
Ms. Bernadette Bianchi, Pennsylvania Council of Children, Youth & Family Services
Mr. Connell O'Brien, Pennsylvania Community Providers Association
Mr. Charles Songer, Pennsylvania Children & Youth Administrators

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1156 Session of 2007**

INTRODUCED BY FOLMER AND PILEGGI, NOVEMBER 5, 2007

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, NOVEMBER 20, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 notice and hearing and for disposition of dependent child.

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

6 Section 1. Sections 6336.1 and 6351(e)(1) of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 §6336.1. Notice and hearing.

9 The court shall direct the county agency or juvenile
10 probation department to provide the child's foster parent,
11 preadoptive parent or relative providing care for the child with
12 timely notice of the hearing. The court shall provide the
13 child's foster parent, preadoptive parent or relative providing
14 care for the child the [opportunity] right to be heard at any
15 hearing under this chapter. Unless a foster parent, preadoptive
16 parent or relative providing care for a child has been awarded
17 legal custody pursuant to section 6357 (relating to rights and
18 duties of legal custodian), nothing in this section shall give

1 the foster parent, preadoptive parent or relative providing care
2 for the child legal standing in the matter being heard by the
3 court.

4 § 6351. Disposition of dependent child.

5 * * *

6 (e) Permanency hearings.--

7 (1) The court shall conduct a permanency hearing for the
8 purpose of determining or reviewing the permanency plan of
9 the child, the date by which the goal of permanency for the
10 child might be achieved and whether placement continues to be
11 best suited to the safety, protection and physical, mental
12 and moral welfare of the child. In any permanency hearing

13 held with respect to the child, the court shall consult with
14 the child regarding the child's permanency plan in a manner
15 appropriate to the child's age and maturity. If the court
16 does not consult personally with the child, the court shall
17 ensure that the views of the child regarding the permanency
18 plan have been ascertained to the fullest extent possible and
19 communicated to the court by the guardian ad litem under
20 Section 6311 (relating to guardian ad litem for child in
21 court proceedings) or, as appropriate to the circumstances of
22 the case by the child's counsel, the court-appointed special
23 advocate or other person as designated by the court.

24 * * *

25 Section 2. This act shall take effect in 60 days. JANUARY 1, <--
26 2008, OR IMMEDIATELY, WHICHEVER IS LATER.