

MEMO



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To: PCCYFS Public Policy Committee
From: Alex Rahn, Wanner Associates
Date: February 26, 2009
Subject: Legislative Report for March 3rd Public Policy Meeting

Legislative Activity

HB 295 Briggs Amends Title 23 re adopted children exception

Amends Title 23 (Domestic Relations) adding that the exception for adopted children would not apply in instances where grandparents may petition or relating to sibling visitation when the child has been adopted. The legislation also provides for sibling visitation to assure continuing contact of a child with a sibling by outlining a procedure for a sibling or child to petition the court for visitation rights.

Companions: SB 410 (Identical)

Bill History: 03-09-09 H Set on the Tabled Calendar

02-11-09 H Removed from the table

02-11-09 H Rereferred to House Appropriations

HB 404 Youngblood Amends Public Welfare Code re foster care

Amends the Public Welfare Code requiring verification of United States citizenship and immigration status for all children in foster care.

Companions: HB 2045 (Refiled from 07R Session)

Bill History: 02-10-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 427 Petri Amends Title 23 re child protective services

Amends Title 23 (Domestic Relations) stating that at any time, without prior notice, the department can investigate the county agency's performance in response to complaints of child abuse. The bill also provides for a performance audit of the county agency to occur at least once annually without advance notice. In addition, a performance audit of all public or private agencies the county agency has purchased services from will occur every two years.

Bill History: 02-11-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 428 Petri Amends Title 23 re child protective services

Amends Title 23 (Domestic Relations) providing definitions for accreditation, accreditation agency and prevention service. The bill states that by January 1, 2010, county agencies providing child protective services must be accredited by an accreditation agency. If the county agency fails to do so by January 1, 2011, the department will take appropriate action. The agencies must also make available grants from the General Assembly and other public or private agencies to obtain accreditation. Once accreditation is obtained, the agency is not required to undergo annual inspections unless otherwise deemed necessary by the

department. Agencies receiving funds from the department or county agency to provide prevention services also must be accredited by the accreditation agency. If after January 1, 2010, the agency has not been accredited the county agency cannot purchase the services of the agency.

Bill History: 02-11-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 537 Kortz Amends Title 42 re dependent children

Amends Title 42 (Judiciary), in juvenile matters, further providing for disposition of dependent child by adding that if the court determines that temporary or permanent physical and legal custody shall be given to an individual or entity other than a child's parents, guardian or other custodian, a grandparent who wishes to be given custody shall be considered and a study done by the probation officer or other person or agency designated by the court. A grandparent who wishes to be given custody shall have standing in any court proceeding under this chapter involving the child or children.

Bill History: 02-18-09 H Filed

02-19-09 H Introduced and referred to committee on House Judiciary

SB 40 Greenleaf Act est. Child Welfare Workers Loan Program

The Child Welfare Workers Loan Forgiveness Act establishes the Child Welfare Workers Loan Forgiveness Program, which gives PHEAA the authority to forgive a proportional part of student loans of Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers in child welfare work so that the loan may be partially or entirely forgiven for each year that the qualified applicant is employed by a certified child welfare employer. The bill provides for applicant and employer eligibility, and stipulates limitations. The bill also outlines funding procedures. Loan forgiveness awards may be made to the extent that funds are appropriated by the General Assembly or available from other sources and are sufficient to cover the administration of the program. If funding is insufficient to fully fund the administration and all eligible applicants, priority shall be given to renewal applicants, after which point, a random lottery system is prescribed for determining which applicants receive loan forgiveness awards. The bill outlines the responsibilities of PHEAA and provides for an annual report to be submitted to the General Assembly.

Companions: HB 1381 (Refiled from 07R Session)

SB 153 (Refiled from 07R Session)

Bill History: 01-20-09 S Filed

01-20-09 S Introduced and referred to committee on Senate Education

SB 119 Musto Act re custody of children and youth services

The Subsidy Guardianship Program Act would require the Department of Aging to establish a subsidized guardianship program for the benefit of children in legal custody of a county children and youth services (CYS) agency. The subsidy would continue until the child reaches 18 years of age. The grandparent or relative caregiver receiving a guardianship subsidy would submit annually to the department a sworn statement that the child is still living with and receiving support from the guardian. The bill adds that a grandparent or other relative caregiver may request appointment as guardian and obtain legal custody over a child and receive a guardianship subsidy from the department. Prior to a guardianship hearing and as a prerequisite for payment of a guardianship subsidy, a home study report on the grandparent or relative caregiver would be filed with the court having jurisdiction over the child's case within 15 days of the request for a subsidy. Lastly, the department would seek any Federal waiver necessary and appropriate to implement the act.

Companions: SB 174 (Refiled from 07R Session)

Bill History: 01-29-09 S Filed

01-29-09 S Introduced and referred to committee on Senate Aging and Youth

HB 100 Casorio Amends PA Cmsn. on Crime & Delinquency Law

Amends the Pennsylvania Commission on Crime and Delinquency Law establishing a task force on drug-endangered children. The goal of the task force is to improve the health of children exposed to chemicals associated with methamphetamine production or other drug involvement by identifying the physical,

psychological and sociological effects on children and providing appropriate intervention. The task force shall develop protocols establishing a statewide response system and a strategic plan related to helping children who may have been endangered by circumstances involving the illegal production of methamphetamine or other drugs or by trafficking or abuse. The legislation outlines the composition of the task force and its objectives. The task force shall prepare a report containing the strategic plan for the statewide response system and the strategic plan for the treatment of children who have been endangered. This report will serve as a blueprint for the development of formalized training and education activities by the commission. The task force would disband after one year, but the commission would continue to provide training and education activities and act as a clearinghouse for information in relation to its duties on an ongoing basis.

Companions: HB 994 (Refiled from 07R Session)

HB 2218 (Refiled from 07R Session)

Bill History: 01-27-09 H Filed

01-28-09 H Introduced and referred to committee on House Judiciary

HB 187 Godshall Act re inspections of child day care facility

The Unannounced Inspection of Child Day-Care Facilities Act states the Department of Public Welfare may enter and inspect a child day care facility with or without prior notice. Provides the department shall have free and full access to the facility and the facility grounds, the children in the facility, the records of the facility and the facility staff and must be given the opportunity to privately interview children and staff. Also provides for the frequency of inspections.

Companions: HB 257 (Refiled from 07R Session)

Bill History: 02-02-09 H Introduced and referred to committee on House Children and Youth

02-10-09 H Meeting set for Off the Floor, Room G-50, Irvis Office Build, House Children and Youth

02-10-09 H Passed over in committee House Children and Youth

HB 294 Reed Amends Public Welfare Code re fingerimaging

Amends the Public Welfare Code repealing Assistance Recipient Identification Program provisions and requiring the department to create and utilize a finger imaging system to identify applicants for and recipients of assistance. The bill also requires county boards to establish procedures to identify, investigate and resolve potential cases of fraud, misrepresentation or inadequate documentation prior to determining an applicant's eligibility.

Companions: HB 1499 (Refiled from 07R Session)

Bill History: 02-06-09 H Filed

02-09-09 H Introduced and referred to committee on House Health and Human Services

HB 376 Cruz Act re child day care; surveillance cameras

The Video Camera Surveillance in Child Day-Care Facilities Act would require each facility to install and maintain video camera surveillance systems that meet the Department of Public Welfare's standards. The bill also requires the Department to promulgate such standards and says they may conduct inspections of facilities to investigate compliance with this act.

Companions: HB 959 (Refiled from 07R Session)

Bill History: 02-10-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 388 Harhart Amends Titles 23 & 42 re Child Abuse Account

Amends Titles 23 (Domestic Relations) and 42 (Judiciary) establishing the Child Advocacy Center Funding Act, which would establish the Child Abuse Multidisciplinary Response Account within the Department of Treasury for the purpose of providing additional resources to eligible applicants in the form of non-matching grants for the establishment and continued operation of child advocacy centers. No more than 20% of the funds in the account annually shall be granted to one eligible applicant and for the first three years, efforts are required to be made to grant 20% of the account to eligible applicants working to establish child

advocacy centers in counties not yet served by a child advocacy center. None of the money from the accounts can be used for political or lobbying activity.

Bill History: 02-10-09 H Filed

02-13-09 H Introduced and referred to committee on House Judiciary

HB 389 Youngblood Amends Title 20 re medical consent for minors

Amends Title 20 (Decedents, Estates and Fiduciaries) providing for medical consent for a minor by an adult caregiver by adding that a parent, legal guardian or legal custodian may authorize an adult person in whose care a minor has been entrusted to consent to any medical, surgical, dental, developmental or mental health examination, diagnosis or treatment, including immunization, to be rendered to the minor under the supervision or upon the advice of a physician, nurse, dentist or mental health professional licensed to practice in PA; and to obtain any and all records with regard to such services; provided there is no prior order of any court in any jurisdiction currently in effect which would prohibit the parent, legal custodian or legal guardian from exercising the power that the parent, legal custodian or legal guardian seeks to convey to another person. The legislation provides an authorization form to be signed by the parent/legal guardian.

Companions: HB 96 (Refiled from 07R Session)

Bill History: 02-10-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 395 Youngblood Amends Public Welfare Code re TANF

Amends the Public Welfare Code further defining "assistance group" by adding that if eligible for Temporary Assistance to Needy Families (TANF) at the option of the applicant or recipient, the assistance group must exclude any child who receives support payments or any Social Security benefits, including retirement, survivor or disability benefits, provided that such support or benefits are legally limited to the use of the child receiving them. The legislation also states that an applicant or recipient of TANF may, at the option of that applicant or recipient, exclude from the assistance group any child who receives support payments or any Social Security benefits, including retirement, survivor or disability benefits, provided that such support or benefits are legally limited to the use of the child receiving them. Additionally, in making a determination of need the department would exclude all moneys received by any child which is excluded from the assistance group. Any moneys received under this exclusion would not be assigned under any circumstances to the department or the Commonwealth.

Companions: HB 92 (Refiled from 07R Session)

Bill History: 02-10-09 H Filed

02-13-09 H Introduced and referred to committee on House Health and Human Services

HB 399 Youngblood Amends Title 20 re educational guardianship

Amends Title 20 (Decedents, Estates and Fiduciaries) providing for educational guardianship by adding that a parent, legal guardian or legal custodian may authorize an adult person in whose care a minor has been entrusted to exercise all rights and responsibilities regarding the enrollment in school and education of the minor, including the rights provided under the special education laws, provided that there is no prior order of any court in any jurisdiction which would prohibit the parent, legal guardian or legal custodian from exercising any of the powers that may be conveyed to another person. The legislation provides an authorization form to be signed by the parent/legal guardian.

Bill History: 02-10-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 426 Petri Amends Public Welfare Code re adoption pymts

Amends the Public Welfare Code further providing the amount of the adoption subsidy provided by the local authority may be appealed to the Department of Public Welfare by the adoptive family.

Bill History: 02-11-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 433 Petri Amends Title 23 re intermediary adoption

Amends Title 23 (Domestic Relations), in adoption, amending the definition of "intermediary" to read "any person or persons employed by an agency or agency acting between the parent or parents and the proposed adoptive parent or parents in arranging an adoption placement." Further provides the term also includes a licensed attorney or a licensed social worker. Also provides that permissible reimbursement of expenses may only be made to an intermediary.

Bill History: 02-11-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 434 Petri Amends Title 23 re parental rights

Amends Title 23 (Domestic Relations) further providing for hearing and procedure for relinquishment of parental rights by adding a provision that the court may enter a decree of termination of parental rights in the case of their relinquishment to an adult or a decree of termination of parental rights and duties, including the obligation of support, in the case of their relinquishment to an agency.

Bill History: 02-11-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 435 Petri Amends Title 23 re adoption counseling svcs

Amends Title 23 (Domestic Relations) further providing for adoption-related counseling for a birth parent with assistance in understanding the adoption process, the birth parent's rights and obligations, the consequences of a decision to relinquish parental rights and the alternatives to relinquishment and adoption. The bill also states that a parent or presumptive father, putative father or an agency or attorney acting on behalf of the parent, who is unable to pay for the counseling or who will experience substantive financial hardship as a result of payment, may apply for counseling if the individual is considering relinquishing parental rights with respect to a child or placing a child for adoption or has relinquished parental rights with respect to a child or placed a child for adoption. Lastly, the bill states that if a parent decides to receive counseling, the individual shall contact the county for a referral authorizing counseling.

Bill History: 02-11-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 438 Petri Amends Title 23 re adoption reports, notices

Amends Title 23 (Domestic Relations), further providing for report of intention to adopt by changing the deadline to revoke the consent to adoption of a child by a birth or putative father or mother from 30 days to 96 hours, and stipulating that if consent is executed by the putative father prior to the birth of the child, the child shall be named "Baby (Mother's Last Name)" for the purpose of the consent. The bill further stipulates that once the individual's parental rights are terminated and the individual has executed a consent to an adoption, the individual has no further standing to contest the adoption or to revoke his or her consent. Additionally the bill provides that hearing notice to the parent or parents of the adoptee is not required if the parents have consented to the adoption and parental rights have been terminated.

Bill History: 02-11-09 H Filed

02-13-09 H Introduced and referred to committee on House Children and Youth

HB 463 Belfanti Amends Title 23 re custody of children

Amends Title 23 (Domestic Relations) providing for factors applicable in a court's consideration of making an order for custody, partial custody or visitation to either parent, and clarifying rules governing counseling sessions, and implementation of custody orders.

Bill History: 02-13-09 H Filed

02-18-09 H Introduced and referred to committee on House Judiciary

HB 598 Gingrich Amends PA Commission on Crime & Delinquency

Amends the PA Commission on Crime and Delinquency Law providing for the establishment of a task force on drug-endangered children. The overall goal of the task force is to improve the health of children exposed to chemicals associated with methamphetamine production or other drug involvement by identifying the physical, psychological and sociological effects on children and providing appropriate intervention. The task

force shall develop protocols establishing a statewide response system and a strategic plan related to helping children who may have been endangered by circumstances involving the illegal production of methamphetamine or other drugs or by trafficking or abuse. The task force would sunset after one year and the commission shall continue to provide training and education activities and act as a clearinghouse for information on an ongoing basis.

Bill History: 02-20-09 H Filed

02-24-09 H Introduced and referred to committee on House Judiciary

SB 59 Piccola Amends Public Welfare Code re registration

Amends the Public Welfare Code further providing for application for registration certificate by requiring applicants to provide proof of a current general liability insurance policy, for issuance of registration certificate and for records; providing for disclosure; and further providing for emergency closure. The facility's current registration certificate, a copy of the applicable department regulations, a copy of the facility's inspection summary and any other record required by the department must be posted in a conspicuous location used by parents. A current copy of the family day care home's insurance policy shall be on file at the facility. Additionally, at the time of the child's application, the facility operator must review certain information with the parent or other responsible person. Lastly, the bill states if the department finds evidence of gross incompetence, negligence, misconduct in operating the family day care home or mistreatment or abuse of children likely to constitute an immediate and serious danger to the life or health of the children, the department shall take immediate action to close the facility and remove the children from the family day care home. The department shall inform the parent or other person responsible for each child present at the family day care home of the emergency closure and removal.

Bill History: 01-20-09 S Filed

01-20-09 S Introduced and referred to committee on Senate Public Health and Welfare

SB 128 Williams, A. Act re intergenerational family care program

The Intergenerational Family Care Act creates an intergenerational family care pilot program to aid persons who are not the biological or adoptive parents in raising children and providing a model for a possible full-scale intergenerational family care program. The program shall be administered by the Department of Public Welfare and assist families by: (1) providing rental assistance to intergenerational family units; (2) ensuring that persons within the Department are educated in the issues of child custody; (3) improving the suitability of intergenerational dwelling units for children by constructing activity areas for children; (4) formulating application procedures for nonprofit organizations seeking to aid intergenerational family units; (5) ensuring that persons within the Department are trained regarding the issues of affordable housing; (6) providing day-care assistance for heads of households of the target families who are working; and (7) provide caseworkers to assist and counsel target families. The Department shall determine which families are eligible for the program.

Companions: SB 167 (Refiled from 07R Session)

Bill History: 01-30-09 S Filed

01-30-09 S Introduced and referred to committee on Senate Public Health and Welfare

SB 134 Erickson Amends Title 18 & 23 re child care

Amends Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) by adding that the fee relating to prospective child-care personnel and that for requesting for criminal history record information shall not be charged to individuals applying to become a volunteer and serve without compensation with an affiliate of Little League Baseball, Inc., Big Brothers of America or Big Sisters of America or with a rape crisis center or domestic violence program.

Bill History: 01-30-09 S Filed

01-30-09 S Introduced and referred to committee on Senate Judiciary

SB 255 Tomlinson Amends Soc. Workers Act re unlawful practice

Amends the Social Workers, Marriage & Family Therapists and Professional Counselors Act further providing for unlawful practice by adding that the subsection relating to the usage of the title "social worker"

would not apply to an individual employed in a long-term care facility licensed by the Department of Health who provides social work services under administrative supervision.

Companions: SB 1580 (Refiled from 07R Session)

Bill History: 02-19-09 S Filed

02-19-09 S Introduced and referred to committee on Senate Consumer Protection & Prof. Licensure

SB 391 Greenleaf Act repealing act re certain Children's Homes

Act repealing the act entitled "An act relating to certain Children's Homes."

Bill History: 02-20-09 S Filed

02-20-09 S Introduced and referred to committee on Senate Judiciary

SB 410 Leach Amends Title 23 re adopted child, visitation

Amends Title 23 (Domestic Relations) adding that the exception for adopted children would not apply in instances where grandparents may petition or relating to sibling visitation when the child has been adopted. The legislation also provides for sibling visitation to assure continuing contact of a child with a sibling by outlining a procedure for a sibling or child to petition the court for visitation rights.

Companions: HB 295 (Identical)

Bill History: 02-20-09 S Filed

02-20-09 S Introduced and referred to committee on Senate Judiciary

Spring 2009 Session Schedules

SENATE SESSION SCHEDULE FOR JANUARY – JUNE 2009

January 6, 20 (non-voting), 21 (non-voting), 26, 27, 28

February 2, 3, 4, 9, 10, 11

March 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31

April 1, 20, 21, 22, 27, 28, 29

May 4, 5, 6, 11, 12, 13

June 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 25, 26, 29, 30

HOUSE SESSION SCHEDULE FOR JANUARY – JUNE 2009

January 6, 26, 27, 28

February 2, 3, 4, 9, 10, 11

March 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31

April 1, 20, 21, 22, 27, 28, 29

May 4, 5, 6, 11, 12, 13

June 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 25, 26, 29, 30

Copies of all bills of interest can be accessed via the Internet at:

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>