

House Bill 2338 - Children in Foster Care Act 2010 Fact Sheet

The Need

At the center of Pennsylvania's foster care system are children. Surrounding the children are numerous supporting players – including birth parents, caseworkers, resource parents private providers, judges, courts and others – all devoted to serving the best interests of children.ⁱ With more than 31,000 young people served annually in Pennsylvania's county-administered foster care system, it's critical that the children and those who are responsible for their care are provided with clear and accurate information on what children are to be provided while they are in foster care.

Ensuring that children, birth and resource families and other providers are informed of the legal requirements for children in foster care will help eliminate confusion and improve the transparency and consistency of care and services for Pennsylvania's most vulnerable population.

Why it Matters

For children....

- While children in foster care are some of the most vulnerable members of our communities, they can also be their own best advocate if they have a full understanding of the system. When government and private agencies are entrusted with their care, it is critical that every effort be made to assure their safety and well-being including taking steps to fully inform children and youth.

For birth parents...

- Helping birth parents understand what services and supports are available to their children while they are in foster care provides them peace of mind and helps parents continue to support their children when their children are removed from their care.

For caregivers....

- Resource parents and congregate providers have the tremendous responsibility for the care of children who are in the legal and physical custody of county government. Assuring that all caregivers understand what children are to be provided while they are in foster care will help improve consistency of services and support.

For Pennsylvania...

- Improved understanding, efficiency and consistency in practice and services among the 67 different county-administered child welfare systems and more than 200 private providers caring for Pennsylvania's children in foster care.



Where are we Now?

Requirements for children in foster care are scattered throughout various state laws and regulations. A 2002 Joint State Government Commission report concluded that, “access to services needed by children and families is restrictive and confusing and often poorly coordinated.”ⁱⁱⁱ

Recommendations

In order to help alleviate confusion and improve coordination of services to children, the Pennsylvania General Assembly should enact and the governor should sign into law House Bill 2338, the Children in Foster Care Act. This will help to assure that children and the adults who care for them, whether in foster homes or congregate facilities, have a full understanding of the requirements and opportunities for their care.

House Bill 2338 would codify existing state statute and regulations to ensure that children are provided with, among other things:

1. The ability to contact their attorney or guardian ad litem;
2. Notice of their court hearings and the opportunity to be heard;
3. Education stability consistent with the law;
4. Opportunity to develop job and life skills;
5. First consideration for placement with relatives if it is in the child's best interest;
6. Consideration of any previous resource family as a preferred placement resource if relative and kinship resources are unavailable;
7. Permission to visit and have contact with family consistent with the family service plan and a permanency plan;
8. Access to necessary health services;
9. Consent to medical and mental health treatment consistent with current state regulations;
10. The ability to live in the least restrictive, most family-like setting that is safe, healthy, comfortable and meets the child's needs;
11. Freedom from harassment, corporal punishment, unreasonable restraint and physical, sexual, emotional and other abuse;
12. Clothing that is clean, seasonal and age and gender appropriate;
13. Permission to participate in religious observances of the child's preference;
14. A permanency and transition plan that is developed with the child and addresses the child's need for safety, permanency and well-being;
15. Notification that youth may request to remain under the court's jurisdiction after age 18 in certain circumstances; and
16. A copy of the county or private agency's grievance policy and procedure.
17. Ability to file a grievance related to any provisions of the act.

The bill does not establish a private cause of action for violation of any of its provisions.

ⁱ 11 P.S. § 2603 defines the term “resource family” as a family which provides temporary foster or kinship care for children who need out-of-home placement and which may eventually provide permanency for those children, including as an adoptive family.

ⁱⁱ The Children and Youth Delivery System in Pennsylvania. Report of the Joint State Government Commission. November 2002.