
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 609 Session of
2013

INTRODUCED BY BISHOP, D. COSTA, KULA, MUNDY, HELM, TALLMAN, V.
BROWN, COHEN, YOUNGBLOOD AND PARKER, FEBRUARY 8, 2013

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further providing for definitions and for disposition of
4 dependent child; and providing for termination of
5 jurisdiction.

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

8 Section 1. Section 6302 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 6302. Definitions.

11 The following words and phrases when used in this chapter
12 shall have, unless the context clearly indicates otherwise, the
13 meanings given to them in this section:

14 * * *

15 "Transition plan." A plan that is prepared by a county
16 agency in accordance with section 6351.2(b) (relating to
17 termination of jurisdiction) and that is developed by a county
18 agency in cooperation with the child and other individuals
19 identified by the county agency, the child and the child's

1 guardian ad litem or legal counsel to assist the child in making
2 a transition to independence.

3 Section 2. Section 6351(e) (3) and (f) (8) of Title 42,
4 amended July 5, 2012 (P.L.880, No.91), are amended and
5 subsections (e) and (f.1) are amended by adding paragraphs to
6 read:

7 § 6351. Disposition of dependent child.

8 * * *

9 (e) Permanency hearings.--

10 * * *

11 (3) The court shall conduct permanency hearings as
12 follows:

13 (i) Within six months of:

14 (A) the date of the child's removal from the
15 child's parent, guardian or custodian for placement
16 under section 6324 (relating to taking into custody)
17 or 6332 or pursuant to a transfer of temporary legal
18 custody or other disposition under subsection (a) (2),
19 whichever is the earliest; [or]

20 (B) each previous permanency hearing until the
21 child is returned to the child's parent, guardian or
22 custodian or removed from the jurisdiction of the
23 court[.]; or

24 (C) the date on which the child reaches 18 years
25 of age.

26 (ii) Within 30 days of:

27 (A) an adjudication of dependency at which the
28 court determined that aggravated circumstances exist
29 and that reasonable efforts to prevent or eliminate
30 the need to remove the child from the child's parent,

1 guardian or custodian or to preserve and reunify the
2 family need not be made or continue to be made;

3 (B) a permanency hearing at which the court
4 determined that aggravated circumstances exist and
5 that reasonable efforts to prevent or eliminate the
6 need to remove the child from the child's parent,
7 guardian or custodian or to preserve and reunify the
8 family need not be made or continue to be made and
9 the permanency plan for the child is incomplete or
10 inconsistent with the court's determination;

11 (C) an allegation that aggravated circumstances
12 exist regarding a child who has been adjudicated
13 dependent, filed under section 6334(b) (relating to
14 petition); or

15 (D) a petition alleging that the hearing is
16 necessary to protect the safety or physical, mental
17 or moral welfare of a dependent child.

18 (iii) If the court resumes jurisdiction of the child
19 pursuant to subsection (j), permanency hearings shall be
20 scheduled in accordance with applicable law until court
21 jurisdiction is terminated, but no later than when the
22 child attains 21 years of age.

23 (4) If the court determines that a child shall remain
24 under the jurisdiction of the court pursuant to the
25 definition of "child" in section 6302, the court shall
26 continue to schedule permanency hearings in accordance with
27 this section until court jurisdiction is terminated, but no
28 later than when the child reaches 21 years of age.

29 (f) Matters to be determined at permanency hearing.--At each
30 permanency hearing, a court shall determine all of the

1 following:

2 * * *

3 (8) The services needed to assist a child who is 16
4 years of age or older to make the transition to independent
5 living, including a transition plan if one is required.

6 * * *

7 (f.1) Additional determination.--Based upon the
8 determinations made under subsection (f) and all relevant
9 evidence presented at the hearing, the court shall determine one
10 of the following:

11 * * *

12 (6) Whether the child will remain under the jurisdiction
13 of the court after the child reaches 18 years of age and the
14 duration of the court's jurisdiction, which in no case shall
15 continue once the child reaches 21 years of age.

16 * * *

17 Section 3. Title 42 is amended by adding a section to read:
18 § 6351.2. Termination of jurisdiction.

19 (a) Court hearing.--A court hearing shall be held to
20 terminate the court's jurisdiction over a dependent child who is
21 18 years of age or older. At the hearing, the court shall
22 determine if the county agency did the following:

23 (1) held a transition plan meeting to develop a
24 transition plan; and

25 (2) prepared a transition plan.

26 (b) Transition plan.--A transition plan shall be
27 personalized at the direction of the child and shall include
28 specific plans for housing, health insurance, education,
29 opportunities for mentors and continuing support services, work
30 force supports and employment services. The plan shall be

1 prepared at least 180 days immediately prior to the date on
2 which the child will reach 18 years of age or, if the court has
3 extended jurisdiction for a child who is 18 years of age or
4 older, then 180 days immediately prior to the anticipated
5 termination of jurisdiction. It shall verify that the following
6 information, documents and services have been provided to the
7 child:

8 (1) Written information concerning the child's
9 dependency plan, including:

10 (i) the child's family history and placement
11 history;

12 (ii) the whereabouts of any siblings under the
13 jurisdiction of the juvenile court, unless the court
14 determines that sibling contact would jeopardize the
15 safety or welfare of the child or sibling; and

16 (iii) the date on which the jurisdiction of the
17 juvenile court would be terminated.

18 (2) The following documents:

19 (i) Social Security card.

20 (ii) Certified birth certificate.

21 (iii) Immunization and health records.

22 (iv) Education records.

23 (v) Documentation of the dates that the child was
24 under the jurisdiction of the court.

25 (vi) If applicable, proof of citizenship or
26 residence.

27 (vii) Driver's license or State identification card.

28 (3) Evidence that the child has received assistance in
29 completing an application for medical assistance or other
30 health insurance.

1 (4) In cases where the county agency is aware that the
2 child has or may need behavioral health services,
3 documentation that:

4 (i) The child has been referred to the county mental
5 health program established pursuant to the act of October
6 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the
7 Mental Health and Mental Retardation Act of 1966.

8 (ii) An assessment of current mental health needs
9 has been completed by a mental health professional.

10 (iii) If appropriate, a case manager through the
11 county mental health program has been assigned to the
12 child.

13 (iv) If the assessment reveals a need for services,
14 an interagency meeting has occurred among the child, any
15 family members or individuals identified as important to
16 the child, the child's county agency caseworker, the
17 child's county mental health case manager, if any, a
18 representative of the county adult mental health system,
19 any service providers and other individuals with
20 expertise on relevant systems who can assist in
21 developing a written plan that identifies appropriate
22 services for the child's transition from the court's
23 jurisdiction.

24 (v) Services recommended through the assessment and
25 agreed upon during the interagency meeting described in
26 subparagraph (iv), and included in the written plan, were
27 made available on or before the planned discharge date,
28 unless the services were applied for in a timely manner
29 and there is an explanation as to why services could not
30 be made available before discharge.

1 (5) In cases where the child has been identified as
2 having mental retardation, documentation that:

3 (i) The child has been registered with the county
4 mental retardation program established by the Mental
5 Health and Mental Retardation Act of 1966.

6 (ii) A service coordinator has been assigned to the
7 child by the county mental retardation program.

8 (iii) A Supports Intensity Scale (SIS) or similar
9 tool has been completed as developed by the Department of
10 Public Welfare.

11 (iv) A current Prioritization of Urgency of Need for
12 Services (PUNS) or successor form has been completed as
13 developed by the Department of Public Welfare.

14 (v) An interagency meeting to plan for the child's
15 transition from the jurisdiction of the court occurred at
16 least one year before the planned date of discharge, or
17 at the earliest time possible if the child's discharge
18 date is set for less than one year from the date it is
19 recorded in the child's permanency plan, and that the
20 meeting included the child, any family members or
21 individuals identified as important to the child, the
22 county agency caseworker, a provider of mental
23 retardation services familiar with the child, the child's
24 caseworker from the county mental retardation program,
25 the child's supports coordinator, a representative from
26 the Department of Public Welfare's developmental programs
27 and representatives from appropriate educational
28 programs.

29 (6) In cases where the child has autism, documentation
30 that:

1 (i) The Bureau of Autism Services in the Department
2 of Public Welfare was notified of the planned discharge
3 at least one year prior to the child's planned discharge
4 date recorded on the child's permanency plan or at the
5 earliest time possible if the child's discharge date is
6 set for less than one year from the date it is recorded
7 in the child's permanency plan.

8 (ii) The child's needs have been assessed and all
9 appropriate services and waivers have been applied for.

10 (iii) An interagency meeting to plan for the child's
11 transition from the jurisdiction of the court occurred at
12 least one year before the planned date of discharge, or
13 at the earliest time possible if the child's discharge
14 date is set for less than one year from the date it is
15 recorded in the child's permanency plan, and that the
16 meeting included the child, any family members or
17 individuals identified as important to the child, the
18 county agency caseworker, a representative from the
19 Department of Public Welfare responsible for
20 developmental programs and representatives from
21 appropriate educational programs.

22 (7) In cases where the child has a physical disability,
23 documentation that the county agency has notified appropriate
24 agencies that administer home-based and community-based
25 waivers under the medical assistance program for adults with
26 disabilities of the child's planned discharge and that an
27 assessment has been made whether the child may be eligible
28 for any waiver by the county agency and that an appropriate
29 application has been submitted at least six months prior to
30 the planned discharge recorded in the child's permanency plan

1 or the earliest time possible if the child's discharge date
2 is set for less than six months from the date it is recorded
3 in the child's permanency plan.

4 (8) A description of the child's suitable housing plan.

5 (9) Documentation that the child has a source of income
6 through employment or other legitimate means, which shall not
7 include public benefits unless the child has been determined
8 to be unable to work due to a disability.

9 (10) Documentation of the child's education plan and
10 that assistance has been provided in applying for admission
11 to college, a vocational training program or other
12 educational institution and in obtaining financial aid.

13 (11) Documentation that the county agency assisted the
14 child in identifying individuals who can support the child in
15 the child's transition to adulthood, including the child's
16 biological parents and relatives, especially where
17 appropriate, and adults who can serve as mentors.

18 (12) Documentation that the county agency has made
19 reasonable efforts to achieve permanency for the child,
20 including arranging for all available services and resources.

21 (13) Documentation that an application for Supplemental
22 Security Income (SSI) benefits has been submitted for any
23 child with a disability 90 days prior to the child's
24 discharge from the court's jurisdiction.

25 (14) Documentation that the child has been informed by
26 the county agency that the child may request the court to
27 continue jurisdiction and that the child may request that the
28 court resume jurisdiction prior to when the child attains 21
29 years of age in accordance with this chapter.

30 (c) Continued jurisdiction related to plan.--The court shall

1 continue jurisdiction if the court determines that the county
2 agency has not met the requirements of subsection (b), in which
3 case the court shall order continued jurisdiction for a period
4 of time in order that the county agency meet the requirements.

5 Section 4. This act shall take effect in one year.