

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

APR 3 2008

SPECIAL TRANSMITTAL

SUBJECT: Expanded Grounds for Involuntary Termination of Parental Rights

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

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

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PURPOSE:

The purpose of this transmittal is to inform public and private children and youth agencies and juvenile courts involved with children for whom termination of parental rights may be under consideration of an amendment to the Adoption Act (23 Pa C.S., Chapters 21-29) which adds further grounds for involuntary termination of parental rights.

BACKGROUND:

Last year, and for the first time, Pennsylvania was able to secure additional federal monies through compliance with the Federal Child Abuse Prevention and Treatment Act (CAPTA). Through CAPTA, qualifying states may obtain grants for a variety of training and programs for the prevention, treatment and investigation of child abuse and neglect. As part of its qualifying Program Improvement Plan (PIP), the Department of Public Welfare (DPW), in conjunction with a stakeholder work group, spearheaded a legislative initiative designed to help Pennsylvania become CAPTA compliant. An amendment to the Adoption Act was one of the required initiatives.

On November 9, 2006, Governor Edward G. Rendell signed House Bill 2670, Printer's Number 4849, now known as Act 146 of 2006, into law to take effect 180 days from that date, May 8, 2007. While this transmittal concerns only the amendment to the Adoption Act created by this legislation, Act 146 also amends several other sections of The Child Protective Services Law (23 Pa. C.S., Chapter 63).

DISCUSSION:

Act 146 amends §2511 (a) (relating to grounds for involuntary termination) of the Adoption Act by adding additional grounds for involuntary termination of parental rights. The added language brings Pennsylvania's Adoption Act into compliance with CAPTA's Section 106, Grants to States for Child Abuse and Neglect Prevention and Treatment Programs, §(b)(2)(xvi), which lists circumstances under which states should not require reunification with a parent. These circumstances have been incorporated into Pennsylvania statute as number nine in the section referenced above, and are as follows:

- (9) The parent has been convicted of one of the following in which the victim was a child of the parent:
 - (i) an offense under 18 Pa. C.S. Ch.25 (relating to criminal homicide);
 - (ii) a felony under 18 Pa. C.S. 2702 (relating to aggravated assault);
 - (iii) an offense in another jurisdiction equivalent to an offense in subparagraph (i) or (ii); or
 - (iv) an attempt, solicitation or conspiracy to commit an offense in subparagraph (i), (ii) or (iii).

These grounds contain language that already exists in Pennsylvania statutes under the definition of 'aggravated circumstances' in §6302 (relating to definitions) of the Juvenile Act (42 Pa. C.S. Chapter 63). As in all cases in which a county children and youth agency files a petition to terminate parental rights, the Court must conduct a hearing on the merits of the individual case and make a decision based on the testimony and evidence presented at the hearing.

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

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