

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

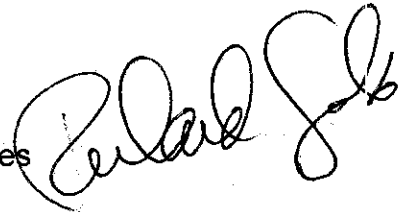
DEC 29 2008

SPECIAL TRANSMITTAL

SUBJECT: Impact of Act 109 of 2008 on Agency Operations

TO: County Children and Youth Social Service Agencies
Private Children and Youth Social Service Agencies
Chief Juvenile Probation Officers
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 recent state legislation and the impact on agency operations and practice of those mandated provisions that were effective December 8, 2008.

BACKGROUND:

On October 9, 2008, Governor Edward G. Rendell signed House Bill 1511, Printer's Number 4439, into law creating Act 109 of 2008. 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 other basic rights and adjudications of juveniles. Additionally, definitions for 'assessment' and 'screening' were added. The law became effective 60 days from the signing date: December 8, 2008.

DISCUSSION:

In addition to bringing The Juvenile Act into compliance with Public Law 109-239, entitled the "Safe and Timely Interstate Placement of Foster Children Act of 2006" requiring that the court provide caregivers with the 'right', rather than the 'opportunity' to be heard, the new legislation accomplishes two primary purposes:

- 1) It insures that agencies provide to resource parents or relatives who are providing primary care to a child, an opportunity and a format for sharing valuable input about the child with the court; and

- 2) It insures that self-incriminating information obtained from a child in the course of an assessment or screening, whether court-ordered or not, may not be used as evidence that a delinquent or criminal act occurred; however, the court may review all such reports to aid in making an appropriate dispositional finding.

The text of the legislation, as passed, can be accessed by the following link:

<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=1511&pn=4439>

The Office of Children, Youth and Families (OCYF) will be revising OCYF Bulletin #3130-01-01, "The Second Revised Interim Implementation Guidelines for the Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89)" to insure consistency with this new legislation as well as with other federal and state laws enacted in recent months. In the meantime, it is necessary for both county children and youth and provider agencies to be aware of, and to take any needed steps towards, the immediate implementation of these practice requirements.

REQUIREMENTS:

- The county children and youth agency must notify the child's primary caregiver, meaning the child's resource parent or relative, of the right to submit a report about the child to the court prior to any permanency hearing for the child.
- The county children and youth agency must provide the name of the judge or court officer to whom the report is to be submitted, as well as the address to which the report is to be sent.
- The county children and youth agency must provide to the primary caregiver a copy of the form, attached to this transmittal, on which the caregiver may make the report.
- Both the county children and youth agency and the private provider agency, if applicable, are prohibited from taking any retaliatory action against the primary caregiver for any information, comments or concerns provided in good faith in the report to the court.

The Department of Public Welfare's Office of Children, Youth and Families is working with the Juvenile Court Judges' Commission and the Office of Children and Families in the Courts to discuss the best method for submission of the report to the court. Additional guidance will be forthcoming. OCYF is also working with other Departmental offices to transfer the caregiver report form to an official Departmental form which will be distributed once completed. Until the report form is finalized, please use the one attached to this transmittal.

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

Attachments

- c: Mr. James Anderson, Juvenile Court Judges Commission
- Ms. Bernadette Bianchi, Pennsylvania Council of Children, Youth & Family Services
- Ms. Sandra Moore, Office of Children and Families in the Courts
- Mr. Connell O'Brien, Pennsylvania Community Providers Association
- Mr. Charles Songer, Pennsylvania Children & Youth Administrators

RESOURCE FAMILY REPORTING FORM

County Court: _____
Judge/Official: _____
Address: _____

Subject Child Information

Name: _____

Address: _____

Resource/Kin Caregiver(s) Information (CONFIDENTIAL)

Name(s): _____

Address: _____

County Children and Youth Agency/Worker Information

Agency name: _____

Address: _____

Phone number: _____

Primary worker's name: _____

Primary supervisor's name: _____

Provider Foster Care Agency/Worker Information, (if applicable)

Agency name: _____

Address: _____

Phone number: _____

Provider worker's name: _____

Day Care/School Information

Name/location: _____

Grade/Special Education Class (if applicable): _____

Academic performance (if applicable): _____

Attendance/behavior concerns: _____

Home adjustment

Interaction with you/other adults in home: _____

Interaction with other children in home: _____

Respect for belongings/other's property: _____

Physical and/or emotional issues: _____

Family Visits (if applicable)

Frequency/location with parents/guardians: _____

Supervised: Yes ___ No ___

Frequency/location with siblings: _____

Supervised: Yes ___ No ___

Frequency of phone contacts with parents/guardians: _____

Supervised: Yes ___ No ___

Frequency of phone contacts with siblings: _____

Supervised: Yes ___ No ___

Concerns/Issues with family interactions: _____

Worker Contacts

Frequency/location with child: _____

Does worker spend time with child alone? Yes ___ No ___

Does the child seem satisfied with the level and quality of worker contact level? Yes ___
No ___ If 'no', what improvement would child like to see? _____

Frequency/location with you: _____

Does the worker spend time with you without child present? Yes ___ No ___

Are you satisfied with the level and quality of worker contact? Yes ___ No ___
If 'no', what improvement would you like to see? _____

Other Service Provider Information (if applicable)

Does the child receive other services? Yes ___ No ___

If 'yes', do these meet the needs of the child, in your opinion? Yes ___ No ___

If 'no', please explain: _____

In your opinion, are there services the child needs that the child is not receiving?
Yes ___ No ___

If 'yes', please explain: _____

Other Concerns/Comments/Recommendations

(Please attach other sheets if more room is needed.)

Signed: _____ Date completed: _____

Relationship to child: _____