



**205:
Safety, Permanence, and Well-Being:
Legal Mandates in Pennsylvania
Overview**

**A Training Curriculum
Part One of Four**

**Developed by
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**For the
Pennsylvania Child Welfare
Training Program**

**University of Pittsburgh
School of Social Work**

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205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

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An Overview of the Curriculum

Rationale:

Public child welfare is a legally-driven system. As such, services must be delivered within the legal framework that guides, steers, and dictates the parameters of those services.

Best practice standards for Pennsylvania's child welfare system note that staff must have a working knowledge of the laws and regulations related to child welfare practice. Learning to effectively apply child welfare law and state regulation in daily practice enables the Child Welfare Professional to protect children from abuse, assure stability in their living situations, and give children and families what they need to help children develop appropriately. In order to reach these positive outcomes for children and families, this four-part workshop examines child welfare law and state regulation and their relationship to safety, permanence, and well-being.

Competency:

205: The Child Welfare Professional knows the role and responsibility of the caseworker in the juvenile court, knows applicable rules of evidence, is able to prepare testimony, and can testify appropriately in juvenile court hearings.

Goal for the Series:

From intake to case closure, participants will be able to recognize, select, interpret, and apply child welfare law and regulation as they relate to safety, permanence, and well-being.

Awareness

- ✓ Recognize how law and regulation guide the casework process.
- ✓ Explain the relationship among Federal law, state law, state regulation, bulletins, special transmittals, and policy clarifications.
- ✓ Express how statute impacts practice at the state and county levels.

Knowledge

- ✓ Identify the major provisions of the Pennsylvania child welfare legal mandates, including:
 - ~Child Protective Services Law and Regulation Chapter 3490,
 - ~Juvenile Act and Regulation Chapter 3130,
 - ~Adoption Act and Regulation Chapter 3350.
- ✓ Identify which law or regulation addresses an identified topic area.

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An Overview of the Curriculum (continued)

Goal for the Series (continued):

Understanding

- ✓ Describe the law and regulation as they relate to safety, permanence, and well-being outcomes, including:
 - ~Child Protective Services Law and Regulation Chapter 3490,
 - ~Juvenile Act and Regulation Chapter 3130,
 - ~Adoption Act and Regulation Chapter 3350.
- ✓ Describe the court including the participants and their roles.
- ✓ Associate child welfare law and regulation with the casework process.

Application

- ✓ Locate identified topic areas within law and regulation.
- ✓ Classify law and regulation as addressing safety, permanence, or well-being outcomes.
- ✓ Interpret statute based on case law.
- ✓ Demonstrate an ability to translate a case in the files to a case in the courtroom.

Learning Objectives:

Participants will be able to:

- ✓ Describe the relationship among Federal laws, state law, state regulation, bulletins, special transmittals, and policy clarifications.
- ✓ Differentiate between child welfare law and regulation.
- ✓ Identify key aspects of child welfare law and regulation.
- ✓ Describe the law, regulation, policies, and guidelines that guide services for children and families in Pennsylvania.
- ✓ Identify law, regulation, and policy.
- ✓ Identify the major provisions of the Pennsylvania child welfare legal mandates.

Length of Workshop:

12 hours

Materials Needed to Present Workshop:

- ✓ Sign-in sheets
- ✓ Name tents
- ✓ Markers
- ✓ Masking tape
- ✓ Folders (optional)
- ✓ Overhead projector and screen

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An Overview of the Curriculum (continued)

Materials Needed to Present Workshop (continued):

- ✓ Sentence strips or flip chart sheets cut to about 3"x24" or flip chart sheets
- ✓ Banner headings: *WIFM* and *Parking Lot* (optional)
- ✓ Small prizes (optional)
- ✓ Flip chart easel
- ✓ Flip chart pad
- ✓ Six sheets of paper
- ✓ 20 pieces of play money, all in the same denomination (optional)
- ✓ An auto windshield sunshade, with instructions (optional)
- ✓ Dartboard and several darts (optional)
- ✓ Training program evaluation forms
- ✓ One copy of the Adoption Assistance and Child Welfare Act of 1980 for display
- ✓ One copy of the Adoption and Safe Families Act of 1997 for display
- ✓ One copy of the Indian Child Welfare Act of 1978 for display
- ✓ One copy of the Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996 for display
- ✓ One copy of the Foster Care Independence Act of 1999 for display
- ✓ One copy of The Newborn Protection Act for display
- ✓ One copy of the Resource Family Care Act, Act 73 of 2005, for display
- ✓ One copy of the Resource Family and Adoption Process Act, Act 68 of 2005, for display
- ✓ One copy of Regulation Chapter 3140, Planning and Financial Reimbursement Requirements for County Children and Youth Social Service Programs, for display
- ✓ One copy of Regulation Chapter 3150, Grants to Counties for New Social Services to Children and Youth, for display
- ✓ One copy of Regulation Chapter 3170, Allowable Costs and Procedures for County Children and Youth Social Services Programs, for display
- ✓ One copy of Regulation Chapter 3680, Administration and Operation of a Children and Youth Social Service Agency, for display
- ✓ One copy of Regulation Chapter 3800, Child Residential and Day Treatment Facilities, for display
- ✓ One copy of Regulation Chapter 20, Licensure or Approval of Facilities and Agencies, for display
- ✓ Disks of the *Pennsylvania Indian Child Welfare Handbook* for each participant
- ✓ Five copies of Regulation Chapter 3130 (relating to Administration of County Children and Youth Social Service Program)
- ✓ Five copies of Regulation Chapter 3350 (relating to Adoption Services)
- ✓ Five copies of Regulation Chapter 3490 (relating to Child Protective Services)
- ✓ Five copies of Regulation Chapter 3700 (relating to Foster Family Care Agency)
- ✓ A copy of the current Juvenile Act for each participant

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An Overview of the Curriculum (continued)

Materials Needed to Present Workshop (continued):

- ✓ A copy of the current Child Protective Services Law for each participant
- ✓ A copy of the current Adoption Act for each participant
- ✓ Table copies of the current *Annual Child Abuse Report*
- ✓ Table copies of Report of Suspected Student Abuse, CY 47-D

Target Audience:

Child Welfare Professionals who have completed their 120 hours of Direct Service Certification through Child Welfare Professional CORE or Charting the Course towards Permanency for Children in Pennsylvania.

Summary:

Learning to effectively apply child welfare law and state regulation in daily practice enables the Child Welfare Professional to protect children from abuse, assure stability in their living situations, and give children and families what they need to help children develop appropriately. This four-part workshop examines child welfare law and state regulation and their relationship to safety, permanence, and well-being.

Expectations of the Trainer:

The trainer must have child welfare experience and a comprehensive, working knowledge of the laws, regulations, and other mandates that dictate child welfare practice, including the Adoption and Safe Families Act, Juvenile Act, Child Protective Services Law, and Adoption Act.

Pennsylvania Standards:

- IA: Assessment: Assess Inquiries
- IC: Assessment: Make Investigative Decisions
- IH: Assessment: Consider Culture
- IIB: Service Planning: Select an Appropriate Goal
- IIC: Service Planning: Write the Plan
- IIIG: Service Planning: Determine Length of Service
- IIIK: Service Delivery: Determine Least Restrictive Setting
- IIIO: Service Delivery: Plan Family Visits

CFSR Issues:

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

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An Overview of the Curriculum (continued)

CFSR Issues:

Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

Permanency Outcome 1: Children have permanency and stability in their living situations.

Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.

Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.

Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.

Interactional Skills:

Tuning in to the Phase of the Helping Process You're in

Clarifying Purpose, Function, and Role

Identifying Next Steps

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Agenda for Two-Day Curriculum on Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Day 1

Estimated Time	Content	Page
1 hour	Section I: Introduction	8
2 hours	Section II: Federal Laws	17
3 hours	Section III: The Juvenile Act	33

Day 2

Estimated Time	Content	Page
15 minutes	Section IV: Review	54
2 hours, 30 minutes	Section V: The Child Protective Services Law	58
2 hours	Section VI: The Adoption Act	75
1 hour	Section VII: Regulation	91
15 minutes	Section VIII: Evaluation and Closure	98

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Section I: Introduction

Estimated Length of Time:

1 hour

Rationale:

Group trust and cohesiveness assist in creating a positive environment for learning. When the trainer starts a workshop with opening activities which engage participants, promote the development of cohorts, and make a point which relates to the training topic, participants will be encouraged to interact, initiating the development of group trust and cohesiveness. Group and individual efforts are further aided by an orientation to the workshop goal and objectives, how the workshop fits into a broader four-course series, and to the expectations of them as learners. Participants' learning throughout the series will be enhanced with a beginning awareness of the various sources of mandates that guide practice in child welfare.

Learning Objectives:

Participants will be able to:

- ✓ Outline the course, course competency, goal, and learning objectives.
- ✓ Explain the relationship among Federal law, state law, state regulation, bulletins, special transmittals, and policy clarifications.

Methods of Presentation:

Lecture, large group activity, small group activity, large group discussion

Materials Needed:

- ✓ Sign-in sheets
- ✓ Folders (optional)
- ✓ Name tents
- ✓ Flip chart stands
- ✓ Flip chart pads
- ✓ Markers
- ✓ Masking tape
- ✓ Overhead projector/screen
- ✓ Sentence strips or flip chart sheets cut to about 3"x24" or flip chart sheets
- ✓ Banner headings: *WIFM* and *Parking Lot* (optional)
- ✓ Six sheets of paper
- ✓ Small prizes (optional)
- ✓ One copy of the Adoption Assistance and Child Welfare Act of 1980 for display
- ✓ One copy of the Adoption and Safe Families Act of 1997 for display
- ✓ One copy of the Indian Child Welfare Act of 1978 for display
- ✓ One copy of the Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions off the Small Business Job Protection Act of 1996 for display
- ✓ One copy of the Foster Care Independence Act of 1999 for display

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Section I: Introduction (continued)

Materials Needed (continued):

- ✓ **Overhead #1 (Workshop Overview)**
- ✓ **Overhead #2 (Goal)**
- ✓ **Overhead #3 (Learning Objectives)**
- ✓ **Overhead #4 (Agenda)**
- ✓ **Handout #1 (Workshop Overview)**
- ✓ **Handout #2 (Agenda)**
- ✓ **Handout #3 (Law and Regulation)**

Resources Used:

Commonwealth of Pennsylvania, Department of Public Welfare. (2000). *Pennsylvania Standards for Child Welfare Practice*.

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2000). *An Overview of the Child Protective Services Law*. Shippensburg, PA: Shippensburg University.

Pennsylvania Child Welfare Competency-Based Training and Certification Program. *Child Protective Services: Legal Issues*. Shippensburg, PA: Shippensburg University.

University of Pittsburgh, Pennsylvania Children and Youth Administrators Association, and Pennsylvania Department of Public Welfare. (2006), *Administrators' Resource Handbook*.

PA Standards:

None

CFSR Issues:

None

Interactional Skills:

None

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Section I: Introduction (continued)

A. Preliminaries

Trainer Note: Prepare the training room in advance by placing name tents and markers on each participant table. Copies of the Federal laws to be discussed should be placed on display. As participants arrive, greet each one and ask them to sign in.

Additional materials for initial distribution to participants are **Handout #1 (Workshop Overview)** and **Handout #2 (Agenda)**. The trainer may wish to place the handouts in a folder and can decide how to best distribute all the materials, i.e. placing them on the tables in advance or handing them to each participant.

Step 1:

The trainer starts the training session by covering the following points:

- ✓ Welcome participants to the training.
- ✓ Review the details of the Competency-Based Training Program's trainings, including:
 - 15 minute rule
 - sign-in sheet
 - initial sign-in sheet on day 2
 - evaluation
 - credits available for completion of the training
- ✓ Introduce the trainer.

Step 2:

The trainer states that learning to effectively apply child welfare law and state regulation in daily practice enables Child Welfare Professionals to protect children from abuse, assure stability in their living situations, and give children and families what they need to help children develop appropriately. This four-part workshop examines child welfare law and state regulation and their relationship to safety, permanence, and child and family well-being.

Using **Handout #1 (Workshop Overview)** and **Overhead #1 (Workshop Overview)**, the trainer provides an overview of the four parts that make up the *Legal Mandates in Pennsylvania Training Series*:

- Part 1: Overview (two days)
- Part 2: The Child Protective Services Law (one day)
- Part 3: The Juvenile Act and Going to Court (one day)
- Part 4: The optional Liability and Risk Management in Child Welfare Services (two days)

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Section I: Introduction (continued)

Step 3:

The trainer draws attention to the course competency for participant review using **Handout #1 (Workshop Overview)**. The course competency is:

205: The Child Welfare Professional knows the role and responsibility of the caseworker in the juvenile court, knows applicable rules of evidence, is able to prepare testimony, and can testify appropriately in juvenile court hearings.

Step 4:

Using **Handout #1 (Workshop Overview)** and **Overhead #2 (Goal)**, the trainer notes that the goal of the workshop is that from intake to case closure, participants will be able to recognize, select, interpret, and apply child welfare laws and regulation as they relate to safety, permanence, and well-being.

The trainer notes that participants will engage in varied learning to master the awareness, knowledge, understanding, and application of the components necessary to attain the goal. The components are listed on **Handout #1 (Workshop Overview)** for participants to review as the training proceeds.

Step 5:

The trainer reviews the course learning objectives using **Handout #1 (Workshop Overview)** and **Overhead #3 (Learning Objectives)**. The overall learning objectives, which describe what participants will be able to do at the completion of the workshop are:

- ✓ Describe the relationship among Federal laws, state law, state regulation, bulletins, special transmittals, and policy clarifications.
- ✓ Differentiate between child welfare law and regulation.
- ✓ Identify key aspects of child welfare law and regulation.
- ✓ Describe the law, regulation, policies, and guidelines that guide services for children and families in Pennsylvania.
- ✓ Identify law, regulation, and policy.
- ✓ Identify the major provisions of the Pennsylvania child welfare legal mandates.

Step 6:

The trainer reviews the agenda for part one of the workshop using **Handout #2 (Agenda)** and **Overhead #4 (Agenda)**. The major sections of the Agenda are:

- I. Introduction
- II. Federal Laws

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Section I: Introduction (continued)

Step 6 (continued):

- III. The Juvenile Act
- IV. The Child Protective Services Law
- V. Adoption
- VI. Regulation
- VII. Evaluation and Closure

Step 7:

The trainer reminds participants that each day's training will be held from 9:00 a.m. to 4:00 p.m. with a one hour break for lunch and mid-morning and mid-afternoon breaks. The trainer discusses any special housekeeping details including a request to turn off the ringers on cell phones.

Step 8:

The trainer arranges participants in small groups of four to five persons each.

Step 9:

Using either construction paper (folded in thirds), index cards (folded in half), or other name tent material, the trainer instructs participants to write their first name in the center of their name plate with a marker.

The trainer instructs participants to write the county in which they work in the top right corner of the name plate. The trainer instructs participants to write their position in the agency in the top left corner.

The trainer asks participants to write the type of service they provide in the bottom left corner. The trainer asks participants to write the amount of experience they have in child welfare in the bottom right corner.

The trainer asks participants to turn their name tents over and note on the back of the name tent what they most want or need to know about legal mandates in child welfare to help them do their jobs better.

When the name and four corners, and need are complete, the trainer asks participants to stand their name plate in front of them.

The trainer asks participants to share introductory information from their name tents with the others seated at their table. The trainer asks each group to compile a list of their priority needs and wants and note them on individual sentence strips or on a sheet of flip chart paper.

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Section I: Introduction (continued)

Step 10:

The trainer reconvenes the large group and circulates among the small groups to determine their needs and wants. If sentence strips were used, the trainer rotates among the small groups to determine the needs and hang the sentence strips under headings for *WIIFM* (What's in it for me) or *Parking Lot*. Parking lot items reflect those issues that are beyond the scope of the training. The trainer should refer participants to appropriate resources for those items.

If sheets of flip chart paper were used to reflect the needs, the trainer asks each small group to hang and review its needs.

The trainer monitors and refers to the needs throughout the training, noting their relationship to the content.

B. Legal Overview

Step 1:

The trainer ensures that participants are seated in fairly even small groups of about four to five participants each. The trainer provides each small group with a sheet of paper.

The trainer tells participants that they will participate in a contest with each small group challenging the other small groups. Participants will have three minutes to compile a list of the types of mandates that apply to child welfare practice. Participants are cautioned that they are not to list specific mandates by name, rather they are to list types of mandates. The trainer asks if there are any questions before the contest begins. The trainer tells the participants they may begin.

The trainer monitors the time and calls stop when three minutes have elapsed.

The trainer asks each small group to count the number of items on its list. The trainer asks the group with the most items to list them on a sheet of flip chart paper on the easel in the front of the room. While this is being done, the trainer asks the other small groups to check for items that the group may have missed.

The trainer may wish to give small prizes to the group compiling the most items.

The trainer reconvenes the large group. The trainer asks the group which has listed its items to present it to all participants.

The trainer asks the other small groups to add any missed items to the list tell the other participants about them.

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Section I: Introduction (continued)

Step 2:

The trainer distributes **Handout #3 (Law and Regulation)** and explains that law is a series of rules that govern the behavior of people in a society, that allow for resolution of disputes between the members of a society and between individuals and the government, and that provide a means for the state to control the behavior of its citizens. Beyond this, though, the law embodies a philosophy of humankind and of the relationship between government and the members of society. Law continually changes with human experience and as the public conscience changes and views matters from a different viewpoint.

The trainer notes that statutory law is enacted by the United States Congress or the legislatures of each state and signed into law by the president or state governor.

Step 3:

The trainer conducts a large group discussion to determine why child welfare professionals need to know the law.

Step 4:

The trainer states that child welfare professionals need to know the law and how it influences social work practice and administration because:

- The law governs the creation of public agencies.
- The legislature enacts statutes which allocate money to create and sustain programs.
- The law establishes requirements for publicly-funded programs, client eligibility standards, and standards for social work behavior.

Step 5:

The trainer states that administrative law arises from governmental agencies that have rule-making authority delegated to them by Congress or the state legislature. These directives are issued by administrative agencies such as the United States Department of Health and Human Services and the Pennsylvania Department of Public Welfare.

Step 6:

The trainer states that statutory and administrative law that guide the child welfare system begin with the Federal government. It provides the statutory and regulatory framework regarding children and families and the child welfare system.

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Section I: Introduction (continued)

Step 6 (continued):

When the Federal government passes legislation, the United States Department of Health and Human Services, Administration for Children and Families publishes regulation to implement the legislation.

The trainer notes that as the Federal government provides the framework, the Department of Public Welfare guides the child welfare system within the Commonwealth. When Federal legislation is passed, the Department of Public Welfare analyzes the new legislation to determine what changes need to occur to ensure compliance with the Federal law. Depending on the situation, this may be done through legislation, regulation or bulletins.

The trainer states that in addition to changes prompted by newly enacted Federal legislation, the Department of Public Welfare is continually seeking to improve the child welfare system by constant evaluation and analysis of law, regulation, procedure, and practice.

Step 7:

The trainer notes that there are various levels of policy that are issued by the Office of Children, Youth and Families (within the Department of Public Welfare):

- *Regulation* implements the law and has the full force and effect of law. Approval of regulation is a lengthy process which culminates with review by the Independent Regulatory Review Commission and Standing Committees of the Legislature before the final regulation is published in the *Pennsylvania Bulletin* with an effective date.
- *Bulletins* establish policy and procedure and provide guidance. Bulletins arise from the convening of a workgroup, development of a draft, and review by the workgroup. The Department of Public Welfare reviews and approves the Bulletin, which is signed by the Deputy Secretary.
- *Policy clarifications* provide further guidance regarding implementation of statute and regulation. They are requested by a public or private children and youth agency through their regional office of the Department of Public Welfare.
- *Special transmittals* are used to disseminate information and provide guidance. The transmittals are vehicles for sharing information, announcing a change in procedures of the Office of Children, Youth and Families, and/or announcing new initiatives. Some of the transmittals may be developed and reviewed by a stakeholder group or an ongoing, standing committee.

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Section I: Introduction (continued)

Step 8:

The trainer reminds participants that statutory and administrative law represent minimum levels of practice. While this workshop focuses on the legal mandates, participants should note that other resources, such as the *Pennsylvania Standards for Child Welfare Practice*, have been developed to detail best practice standards. These *Standards* provide a non-regulatory method of establishing benchmarks for defining optimal, but achievable, results for child welfare services in Pennsylvania. The *Standards* encourage practice excellence in serving children and families by promoting culturally competent activities related to the goals of safety, permanence, well-being, and timeliness.

Step 9:

The trainer ensures that participants are seated in small groups of about four to five persons each and distributes a sheet of flip chart paper to each small group. The trainer notes that the group has discussed the various types of mandates and must now look at the specific mandates that guide child welfare practice. The trainer tells participants that they will make a two-part list on the flip chart sheet. The trainer instructs participants to work with their small group and make a list of the federal and of the state mandates that dictate practice in child welfare. The trainer allows about 12 minutes for completion of the list.

Step 10:

The trainer asks each small group to hang its list on the wall and reconvenes the large group. The trainer focuses on federal mandates at this time and chooses a group to present its list. The trainer then asks the other small groups to augment the list with other federal mandates not noted by the first group. The trainer ensures that the federal lists contain only federal mandates.

Step 11:

The trainer states that the training will now segue to the next section on federal mandates in order to let participants know about the key provisions of major federal legislation that guides child welfare practice.

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Section II: Federal Laws

Estimated Length of Time:

2 hours

Rationale:

The primary responsibility for child welfare services rests with the states. Each state has its own legal and administrative structures and programs that address the needs of children. However, states must comply with specific Federal requirements and guidelines in order to be eligible for Federal funding under certain programs. Beginning with the passage of the Child Abuse Prevention and Treatment Act in 1974, the United States Congress implemented a number of laws that have had a significant impact on child protection and child welfare services. To assist Child Welfare Professionals in their knowledge of federal requirements and provide a framework for understanding the Federal legislation that has shaped the delivery of child welfare services, this section will discuss the major provisions of key legislative acts that have had a significant impact on practice in child welfare.

Learning Objectives:

Participants will be able to:

- ✓ Identify the major provisions of major Federal legislation that has shaped the provision of child welfare services.
- ✓ Express how Federal law impacts practice at the state and county levels.

Methods of Presentation:

Lecture, small group activity, large group discussion

Materials Needed:

- ✓ Disks of the *Pennsylvania Indian Child Welfare Handbook* for each participant
- ✓ Overhead projector and screen
- ✓ **Overhead #5 (Reasons CAPTA Was Initiated)**
- ✓ **Overhead #6 (Objectives/Goals of CAPTA)**
- ✓ **Overhead #7 (Reasons P.L. 96-272 Was Initiated)**
- ✓ **Overhead #8 (Objectives/Goals of P.L. 96-272)**
- ✓ **Overhead #9 (Reasons ASFA Was Initiated)**
- ✓ **Overhead #10 (Objectives/Goals of ASFA)**
- ✓ **Overhead #11 (Child and Family Service Review Outcomes)**
- ✓ **Overhead #12 (Reasons ICWA Was Initiated)**
- ✓ **Overhead #13 (Objectives/Goals of ICWA)**
- ✓ **Overhead #14 (Indian Child)**
- ✓ **Overhead #15 (Child Custody Proceedings)**
- ✓ **Overhead #16 (Foster Care Placement Preferences)**
- ✓ **Overhead #17 (Adoptive Placement Preferences)**
- ✓ **Overhead #18 (Reasons MEPA-IEP Was Initiated)**
- ✓ **Overhead #19: (Objectives/Goals of MEPA-IEP)**

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Section II: Federal Laws (continued)

Materials Needed (continued):

- ✓ **Overhead #20 (Reasons P.L. 106-169 Was Initiated)**
- ✓ **Overhead #21 (Objectives/Goals of P.L. 106-169)**
- ✓ **Handout #4 (Key Federal Mandates)**
- ✓ **Handout #5 (Know Your Federal Law)**

Resources Used:

National Clearinghouse on Child Abuse and Neglect Information. (2003). *Major Federal Legislation Concerned with Child Protection, Child Welfare, and Adoption*. Washington, DC: U.S. Department of Health and Human Services.

Pennsylvania Child Welfare Training Program. (2006). *Pennsylvania Indian Child Welfare Handbook*. Mechanicsburg, PA: University of Pittsburgh, School of Social Work.

United States Code. (1997). *Adoption and Safe Families Act of 1997*. (P.L. 105-89).

United States Code. (1999). *Foster Care Independence Act of 1999*. (P.L. 106-169).

United States Code. (1994). *Multi-ethnic Placement Act of 1994* (P.L. 103-382).

PA Standards:

IA: Assessment: Assess Inquiries

IC: Assessment: Make Investigative Decisions

IH: Assessment: Consider Culture

IIB: Service Planning: Select an Appropriate Goal

IIC: Service Planning: Write the Plan

IIIG: Service Planning: Determine Length of Service

IIIK: Service Delivery: Determine Least Restrictive Setting

IIIO: Service Delivery: Plan Family Visits

IVA: Monitor Service Delivery

CFSR Issues:

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

Permanency Outcome 1: Children have permanency and stability in their living situations.

Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.

Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.

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Section II: Federal Laws (continued)

CFSR Issues (continued):

Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.

Interactional Skills:

Clarifying Purpose, Function, and Role

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Section II: Federal Laws

Step 1:

The trainer states that the primary responsibility for child welfare services rests with the states. Each state, including Pennsylvania, has its own legal and administrative structures and programs that address the needs of children. Most states have state-administered systems while Pennsylvania's system is county-administered and state-supervised. However, states must comply with specific Federal requirements and guidelines in order to be eligible for Federal funding under certain programs. The Social Security Act contains the primary sources of Federal funds available to states for child welfare, foster care, and adoption activities.

The trainer notes that beginning with the passage of the Child Abuse Prevention and Treatment Act in 1974, the United States Congress implemented a number of laws that have had a significant impact on child protection and child welfare services. The trainer adds that this section of the training will help participants know federal requirements and provide a framework for understanding the Federal legislation that has shaped the delivery of child welfare services by discussing the major provisions of key legislative acts that have had a significant impact on practice in child welfare.

Step 2:

The trainer distributes **Handout #4 (Key Federal Mandates)**. As the trainer discusses each piece of legislation, the trainer refers back to the lists of federal mandates generated by participants and engages participants in a discussion of each one's applicability to child welfare.

- *Child Abuse Prevention and Treatment Act (CAPTA) of 1974, P.L. 93-247, Amended in 1978, 1984, 1988, 1992, 2003*

Overhead #5 (Reasons CAPTA Was Initiated) is available for use.

Reasons Initiated:

- Medical recognition of Battered Child Syndrome in 1961, as well as findings from medical reports, brought attention to the problem of child abuse.
- One of every 10 children brought to hospital emergency rooms were victims of physical abuse.
- A large majority of these cases went unreported.
- Federal government was urged to take interest in the welfare of abused and neglected children.
- States had developed reporting laws and responses to reports, without a lot of uniformity.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section II: Federal Laws (continued)

Step 2 (continued):

Overhead #6 (Objectives/Goals of CAPTA) is available for use.

Objectives/Goals:

- To increase identification, reporting, and investigation of child maltreatment, thereby protecting children from harm.
- To monitor research and compile and publish materials for persons working in the field.

Services Provided/Measures Taken:

- Provided assistance to states to develop child abuse and neglect identification and prevention programs.
- Placed moral weight of Federal government behind professional intervention with troubled families.
- Enhanced the Federal government's role to be proactive in detection, prevention, and treatment of child abuse.
- Authorized limited government research into child abuse prevention and treatment.
- Created the National Center on Child Abuse and Neglect within the Department of Health and Human Services
- Created the National Clearinghouse on Child Abuse and Neglect Information.
- Established Basic State Grants and Demonstration Grants for training of personnel and to support innovative programs aimed at preventing and treating child maltreatment.

The trainer leads a large group discussion regarding the applicability of CAPTA to casework practice. In addition to feedback from participants, the trainer notes that regardless of a worker's function in the agency, he or she is a mandated reporter of abuse, as defined by law. Workers are much more knowledgeable regarding child abuse due to national research on abused children and their families.

- Adoption Assistance and Child Welfare Act of 1980, P.L. 96-272

Overhead #7 (Reasons P.L. 96-272 Was Initiated) is available for use.

Reasons Initiated:

- Initiated in response to discontent with the public child welfare system.
- Problem of foster care "drift", or the sense of impermanence in foster homes and concerns about children placed in multiple foster placements over an extended period of time.

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

Overhead #8 (Objectives/Goals of P.L. 96-272) is available for use.

Objectives/Goals:

- To prevent unnecessary separation of children from families.
- To protect the autonomy of the family.
- To shift support of Federal government away from foster care alone and towards placement prevention and reunification.
- To promote the return of children to their families when feasible.
- To encourage adoption when it is in the child's best interest.
- To improve the quality of care and services.
- To reduce the number of children in foster care.
- To reduce the duration of a child's stay in foster care.

Services Provided/Measures Taken:

- Required states to make adoption assistance payments.
- Defined a child with special needs (for adoption assistance purposes.)
- Required that states make reasonable efforts to prevent removal of the child from the home and return those who have been removed as soon as possible.
- Required participating states to establish reunification and prevention programs for all in foster care.
- The state must place the child in the least restrictive setting and, if the child will benefit, one that is close to the parent's home.
- Court or agency must review the status of a child in any non-permanent setting every six months to determine what is in the best interest of the child. Most emphasis is placed on returning the child home as soon as possible.
- Court or administrative body must determine the child's future status, whether it is a return to parents, adoption, or continued foster care, within 18 months after initial placement into foster care.

The trainer leads a large group discussion regarding the applicability of Public Law 96-272 to current child welfare practice. In addition to feedback from participants, the trainer adds that the law puts an emphasis on permanency planning from intake through case closure.

Trainer Note: This may be a suitable time for a break.

- Adoption and Safe Families Act of 1997 (ASFA), P.L. 105-89

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

The trainer states that on November 19, 1997, President Clinton signed the Adoption and Safe Families Act of 1997, Public Law 105-89, which amends Title IV-B and Title IV-E of the Social Security Act. ASFA establishes unequivocally that the goals for children in the child welfare system are safety, permanency, and well being. The law intends to make the child welfare system more responsive to the multiple, frequently complex, needs of children and their families. While affirming the need to forge linkages between the child welfare system, the courts, and other support systems for families, the law reaffirms the need to assure the safety and well being of children and their families. The law provides renewed impetus to dismantling the barriers to permanence existing for children in placement and the need to achieve permanency for these children.

Overhead #9 (Reasons ASFA Was Initiated) is available for use.

Reasons Initiated:

- Many children in foster care were waiting several years for permanent placement.
- The focus on reasonable efforts to reunify children with their families led to some placement decisions that were not in the best interests of the child and not adequately focused on child safety.
- In order to move children into permanent homes in a more timely manner, states needed stricter guidelines for placement and reunification of children and their families.

Overhead #10 (Objectives/Goals of ASFA) is available for use.

Objectives/Goals:

- To promote permanency for children in foster care.
- To ensure safety for abused and neglected children.
- To accelerate permanent placements of children.
- To increase accountability of the child welfare system.

Key Principles:

- The child's safety is the paramount concern. All decisions in every step of the case plan and review process must be made based on the child's safety and well-being.
- Substitute care is a temporary setting. It is not a place for children to grow up. For children who cannot safely return home, the law provides for an expedited process to find these children permanent homes. States are required to initiate court proceedings to free a child for adoption once that child has been waiting in foster care for at least 15 of the most recent 22 months, unless there is an exception. In extreme cases, children are allowed to be freed for adoption more quickly.

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

- Permanency planning for children begins as soon as the child comes to the attention of the agency. The county agency must be diligent in ensuring a permanent family for the child.
- The practice of concurrent planning is encouraged by ASFA to facilitate the timely considerations of all permanency options for the child. Concurrent planning means working toward family reunification while, at the same time, developing an alternative permanency plan.
- Achieving permanency for children requires timely decisions from all parts of the child serving system.
- The Department of Health and Human Services was required to establish outcome measures to monitor and improve state performance.

The trainer leads a large group discussion regarding the applicability of ASFA to current child welfare practice. In addition to feedback offered by participants, the trainer adds that ASFA mandates that all workers assess and plan for the safety of all children at each encounter with the child. All workers, as well as their community partners, must work together, in a timely manner, to ensure permanency for children.

■ Child and Family Service Reviews (CFSR)

The trainer states that the 1994 Amendments to the Social Security Act authorized the Department of Health and Human Services to review state child and family service programs in order to assure compliance with the state plan requirements in titles IV-B and IV-E of the Social Security Act. The reviews cover child protective services, foster care, adoption, family preservation, family support, and independent living. They are designed to help states improve child welfare services and the outcomes for families and children who receive services by identifying strengths and needs within State programs, as well as areas where technical assistance can lead to program improvements. The reviews address outcome measures as specified in ASFA.

The trainer refers to **Overhead #11 (Child and Family Service Review Outcomes)** and notes that the reviews examine outcomes and systemic factors in each State's child and family service program. The reviews examine outcomes for children and families in three areas: safety, permanency, and child and family well-being. Within these three areas, seven outcomes are assessed through statewide data and reviews of cases, as follows:

- Safety
 - Children are first and foremost protected from abuse and neglect.
 - Children are safely maintained in their own homes whenever possible and appropriate.
- Permanency

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

- Children have permanency and stability in their living situations.
- The continuity of family relationships and connections will be preserved for children.

- Child and Family Well-Being
 - Families have enhanced capacity to provide for their children's needs.
 - Children receive appropriate services to meet their educational needs.
 - Children receive adequate services to meet their physical and mental health needs.
- Indian Child Welfare Act (ICWA) of 1978, P.L. 95-608

Overhead #12 (Reasons ICWA Was Initiated) is available for use.

Reasons Initiated:

- Advocates called attention to the fact that state courts were removing a high proportion of Indian children from their families and tribes and placing them in non-Indian environments.
- In some states, as many as 25 to 35 percent of Indian children were being placed in foster care; 85 percent of those children were placed in non-Indian homes.
- There was a growing concern that these children were losing their Indian culture and heritage.
- The state court systems did not take into consideration the tribal relations of Indian people and the cultural and social standards of Indian communities.

The trainer states that ICWA declares, in part, "that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing assistance to Indian tribes in the operation of child and family service programs."

Overhead #13 (Objectives/Goals of ICWA) is available for use.

Objectives/Goals:

- To protect the best interests of Indian children and families.
- To promote the stability and security of Indian families.
- To establish minimum Federal standards for the removal of Indian children from their homes and for the placement of Indian children in homes that reflect the values of Indian culture.

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

- To raise the standards of termination of parental rights of Indian parents.
- To recognize and strengthen the role of Tribal governments in determining child custody issues.

The trainer states that there are currently over 550 federally recognized tribes and Native Alaskan villages in the United States. Federally recognized tribes have sovereign nation status. This means that they have the authority to govern themselves.

The trainer adds that, at one time, numerous tribes resided in what is now Pennsylvania. Although there are no Federally recognized tribes living in Pennsylvania at this time, the 2000 census showed that there are about 50,000 Native Americans in the state. Of them, just over 15,000 children are Indian. Many are enrolled in or eligible for enrollment in a tribe.

The trainer states that ICWA applies whenever a child who is enrolled in or eligible for enrollment in a tribe is involved in a child custody proceeding. It gives tribal courts the authority to adjudicate child custody cases involving children of the tribe.

Using **Overhead #14 (An Indian Child)**, the trainer explains that an Indian child is a person who is: unmarried and under age 18, and either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. The trainer adds that each tribe determines who can be a member.

Using **Overhead #15 (Child Custody Proceeding)**, the trainer explains that a child custody proceeding includes:

- foster care placement,
- termination of parental rights
- pre-adoptive placement
- adoptive placement

The trainer notes that it is the responsibility of the county children and youth agency to notify the tribe when a child custody proceeding involves an Indian child or a child who may be an Indian child. The child's tribe has the right to intervene at any point in child custody proceedings.

Using **Overhead #16 (Foster Care Placement Preferences)**, the trainer notes that foster care placement preferences must follow a prescribed order, absent good cause to the contrary:

- a member of the child's extended family,
- a foster home that is approved or licensed by the child's tribe,

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

- an Indian foster home of another tribe that is licensed by the appropriate agency, or
- an institutional placement for children that is approved by the child's tribe and is suitable to meet the child's needs.

Using **Overhead # 17 (Adoptive Placement Preferences)**, the trainer states that adoptive placements require preference be given, absent good cause to the contrary, to placement with:

- a member of the child's extended family,
- other members of the child's tribe,
- members of other tribes, or
- a non-American Indian family.

The trainer points out that termination of parental rights may not be ordered without showing beyond a reasonable doubt that the continued custody of a child by the parent is likely to result in serious emotional or physical damage to the child. An adoption can be overturned within two years if fraud or duress is proven.

The trainer conducts a large group discussion to determine how Child Welfare Professionals can implement ICWA in their practice. In addition to feedback offered by participants, the trainer adds that workers should comprehensively gather information regarding families early in the agency's contact with a family so that services to children and families are not negatively impacted by missing key information regarding the family.

The trainer distributes a disk of the *Pennsylvania Indian Child Welfare Handbook* for further reference.

- Multiethnic Placement Act (MEPA) of 1994, P.L. 103-382, as amended by The Interethnic Adoption Provisions (IEP) of the Small Business Job Protection Act of 1996, P.L. 104-188

Overhead #18 (Reasons MEPA-IEP Was Initiated) is available for use.

Reasons Initiated:

- A growing number of children in foster care were waiting for adoptive homes for excessive periods of time.
- Children of color were over-represented in out-of-home care.
- IEP was initiated to eliminate discrimination on the basis of race, color or national origin against prospective foster and adoptive parents as well as discrimination against children who are waiting for foster and/or adoptive placements.

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

Overhead #19 (Objectives/Goals of MEPA-IEP) is available for use.

Objectives/Goals:

- MEPA attempts to decrease the time children wait to be adopted.
- To prevent discrimination on the basis of race, color and/or national origin when making foster care and adoptive placements.
- To facilitate identification and recruitment of foster and adoptive families that can meet children's needs.
- IEP attempts to affirm and strengthen existing prohibitions against discrimination in foster care and adoption placements.
- To affirm prohibitions against routinely considering race, color or national origin when making foster care and/or adoption placement decisions.
- To affirm diligent recruitment efforts.

Basic mandates:

- Child welfare cannot delay or deny a child's foster care or adoptive placement on the basis of the child's or prospective parent's race, color or national origin.
- Child welfare cannot deny to any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color or national origin.
- States must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

The trainer adds that MEPA-IEP has no effect on the provisions of the Indian Child Welfare Act. The trainer explains that failure to comply with MEPA is a violation of title VI of the Civil Rights Act. IEP subjects states and others to financial penalties if they do not comply.

The trainer conducts a large group discussion regarding the implications of MEPA-IEP on child welfare practice. In addition to participant feedback, the trainer adds that services to all children should be equitable and similar positive outcomes for children should be realized regardless of the child's race, color or national origin.

- Foster Care Independence Act of 1999, P.L. 106-169

Overhead #20 (Reasons P.L. 106-196 Was Initiated) is available for use.

Reasons Initiated:

- Concerns for the poor outcomes of former foster youth who "age out" of the child welfare system.
- Concerns that states were not adequately preparing youth for the transition from foster care to independent living.

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

The trainer states that at the time that the legislation was passed, it was determined that about 20,000 adolescents leave the Nation's foster care system each year because they have reached 18 years of age and are expected to support themselves. Congress received extensive information that adolescents leaving foster care have significant difficulty making a successful transition to adulthood. This information showed that children aging out of foster care show high rates of homelessness, non-marital childbearing, poverty, and delinquent or criminal behavior. They are also frequently the target of crime and physical assaults.

The trainer adds that P.L. 106-169 noted that the state and local governments, with financial support from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such program beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age.

Overhead #21 (Objectives/Goals of P.L. 106-169) is available for use.

Objectives/Goals:

- To improve independent living programs for current and former foster youth up to age 21.
- To expand access to medical care.
- To extend services to age 21 for former foster youth.

The trainer states that the legislation included the John H. Chafee Foster Care Independence Program, the purpose of which is to provide flexible funding that will enable programs to be designed and conducted:

"(1) to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter post secondary training and education institutions;

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 2 (continued):

(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; and

(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood."

The trainer conducts a large group discussion regarding the implications of the Foster Care Independence Act on child welfare practice. In addition to participant feedback, the trainer adds that agencies must ensure that diligent efforts must be made to ensure permanency for teens while also assisting them in mastering skills to aid in functioning effectively in their adult lives.

Step 3:

The trainer ensures that participants are seated in small groups of about four to five persons each. The trainer distributes **Handout #5 (Know Your Federal Law)** to participants.

The trainer instructs participants to work with their small groups to determine if each of the thirteen statements are true or false and name the Federal law that supports each response.

When participants have completed their assignment, the trainer reconvenes the large group. The trainer rotates among the small groups to elicit responses to each of the statements.

1. A child can be protected from harm through increased reporting of child abuse to professionals who can intervene with troubled families.

True. Child Abuse Prevention and Treatment Act

2. A family that wishes to adopt a child should be able to support the child without the help of additional funds.

False. Adoption Assistance and Child Welfare Act of 1980

3. Children should be placed in homes that are in different geographical areas than their parents so that the parents do not interfere with the placements.

False. Adoption Assistance and Child Welfare Act of 1980

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 3 (continued):

4. Child welfare agencies should emphasize returning a child in placement to his or her home as soon as possible.

True. Adoption Assistance and Child Welfare Act of 1980

5. All children in placement should begin with a goal of return home.

False. Adoption and Safe Families Act

6. Assuring the safety of a child is the responsibility of intake workers during an initial contact with a child.

False. Adoption and Safe Families Act

7. Most parents have a limited amount of time to reunify with their children.

True. Adoption and Safe Families Act

8. Reasonable efforts must be made to move a child toward a permanent placement.

True. Adoption and Safe Families Act

9. Child welfare professionals should approach Native American children in a culturally competent manner and make placements of these children, when necessary, as they would with any other child.

False. Indian Child Welfare Act

10. A child's best interests are better served when the time is taken to find him or her a racially matched family.

False. MEPA-IEP

11. If an agency does not believe that it will ever have a need for an adoptive family that speaks Russian as its first language, it is better to let the family know up front that their services will not be needed and spend the agency's time studying other prospective families.

False. MEPA-IEP

12. Older teens in placement should have a goal of independent living.

False. Foster Care Independence Act

13. Child welfare agencies can assist young persons between 18 and 21 years of age who have left placement.

True. Foster Care Independence Act

Section II: Federal Laws (continued)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Step 4:

The trainer concludes the section of training by noting that further discussion will surround state law and regulation. Participants now know, though, the framework that guides many of the requirements in the state mandates.

The trainer quickly reviews the lists of state laws that were generated by participants in Section I of the training. The trainer ensures that only state laws are listed and ensures the lists include The Juvenile Act, the Child Protective Services Law, and the Adoption Act.

Trainer Note: This may be an appropriate time for lunch.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section III: The Juvenile Act

Estimated Length of Time:

3 hours

Rationale:

In situations where children are at high risk of harm, and their families are unwilling or unable to make the necessary changes to assure the children's safety, protecting the child may require the utilization of a more intrusive protective authority. To accomplish this, Child Welfare professionals are invested with the responsibility and the legal authority to use the court to protect children at serious risk of harm. The Juvenile Act is the Commonwealth's chief vehicle for intervening in the lives of children who need state protection. It balances a family's right to privacy with the obligation of parents to provide care for their children and protect them from harm. Juvenile courts are a legal and social work cooperative venture to help assure the safety, permanence, and well-being of children. Child Welfare Professionals have an important role in juvenile court cases. The extent to which the juvenile court successfully enables a child's safety, permanence, and well-being depends on the professional's knowledge and awareness of the appropriate use of the court system. To assist in that learning, this section of training will assist participants to gain knowledge and awareness of key provisions of the Juvenile Act.

Learning Objectives:

Participants will be able to:

- ✓ Identify the major provisions of The Juvenile Act.
- ✓ Express how The Juvenile Act impacts practice at the state and county levels.

Methods of Presentation:

Lecture, large group discussion, individual and small group activity

Materials Needed:

- ✓ Overhead projector/screen
- ✓ A hard copy of The Juvenile Act for each participant
- ✓ **Overhead #22 (Taking Non-Delinquents into Custody)**
- ✓ **Overhead #23 (Contents of the Petition)**
- ✓ **Overhead #24 (Aggravated Circumstances)**
- ✓ **Overhead #25 (Allegations of Aggravated Circumstances)**
- ✓ **Handout #6 (Dependency)**
- ✓ **Handout #7 (Would You Allege Aggravated Circumstances?)**
- ✓ **Handout #8 (Involving the Court)**

Resources Used:

Pennsylvania. (2005). *The Juvenile Act, (Title 42, PA C.S., Chapter 63)*.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section III: The Juvenile Act (continued)

Resources Used (continued):

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2002). *An Overview of the Juvenile Act: A Focus on the Dependent Child*. Mechanicsburg, PA: University of Pittsburgh.

PA Standards:

IIB: Service Planning: Select an Appropriate Goal

IIC: Service Planning: Write the Plan

IIIG: Service Planning: Determine Length of Service

IIIK: Service Delivery: Determine Least Restrictive Setting

CFSR Issues:

Permanency Outcome 1: Children have permanency and stability in their living situations.

Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.

Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.

Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.

Interactional Skills:

Tuning in to the Phase of the Helping Process You're in

Clarifying Purpose, Function, and Role

Identifying Next Steps

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section III: The Juvenile Act

A. General Provisions

Step 1:

The trainer states that one of the most significant practice dilemmas within child welfare is the need to balance the conflicting responsibilities of being both an intrusive protective authority and an empowering and collaborative advocate.

The trainer explains that Child Welfare Professionals must intervene to assure that children are protected from maltreatment by their parents or caregivers. However, when possible, they must simultaneously prevent the serious trauma associated with separation and placement. The job is less difficult when the parents or caregivers recognize that the children are at risk of harm and seek help to become better caregivers.

The trainer notes that in situations where children are at high risk of harm, and their families are unwilling or unable to make the changes necessary to assure the children's safety, protecting the child may require the utilization of a more intrusive protective authority. To accomplish this, Child Welfare Professionals are invested with the responsibility and the legal authority to use the court system to protect children at serious risk of harm.

The trainer states that The Juvenile Act is the Commonwealth's chief vehicle for intervening in the lives of children who need state protection. It balances a family's right to privacy with the obligation of parents to provide care for their children and protect them from harm. Juvenile courts are a legal and social work cooperative venture.

The trainer explains that Child Welfare Professionals have an important role in juvenile court cases involving abuse and neglect. The extent to which the juvenile court successfully protects children depends to a large extent on the persistence of the worker and his or her knowledge of the case and of court personnel and procedures. In abuse and neglect situations where the child has been removed from the home, planning and appropriate use of the court system is crucial to maintain momentum for positive change on the part of parents, to avoid situations in which children remain in care indefinitely, and to assure permanency planning for children.

The trainer clarifies that participants will begin to learn about The Juvenile Act in this segment of the training. A greater understanding and application of the law will be realized in the second part of the training series.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section III: The Juvenile Act (continued)

Step 2:

The trainer asks participants which Federal law most influenced the current version of The Juvenile Act. The response is most likely the Adoption and Safe Families Act.

The trainer distributes a copy of the current version of The Juvenile Act to each participant.

The trainer directs participants to review the Table of Contents to familiarize themselves with the topic areas of the law.

Step 3:

The trainer asks participants to locate the purposes of the law.

The trainer reviews the purposes of The Juvenile Act:

- (1) To preserve the unity of the family whenever possible or to provide another alternative permanent family when the unity of the family cannot be maintained.
 - (1.1) To provide for the care, protection, safety, and wholesome mental and physical development of children coming within its provisions.
- (2) Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.
- (3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from parents only when necessary for his welfare, safety or health or in the interests of public safety.
- (4) To provide means through which the provisions of the act are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

The trainer points out that this law provides for the safety, permanence, and well-being of children and details court procedures. It pertains to both dependent and delinquent children although the focus in this training is on the dependent child.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section III: The Juvenile Act (continued)

Step 4:

The trainer asks participants to locate the definition of a child in the law. The trainer reviews the definition of a child as stated in The Juvenile Act as an individual who:

- (1) is under the age of 18;
- (2) is under the age of 21 years who committed an act of delinquency before reaching the age of 18 years; or
- (3) was adjudicated dependent before reaching the age of 18 years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall a child remain in a course of instruction or treatment past the age of 21 years.

Step 5:

The trainer notes that the word dependent has been used so participants should determine the meaning of that word in The Juvenile Act.

The trainer discusses the definition of a dependent child as a child who:

- (1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals. A determination that there is a lack of proper parental care or control may be based upon evidence of conduct by the parent, guardian or other custodian that places the health, safety or welfare of the child at risk, including evidence of the parent's guardian's or other custodian's use of alcohol or a controlled substance that places the health, safety or welfare of the child at risk;
- (2) has been placed for care or adoption in violation of law;
- (3) has been abandoned by his parents, guardian, or other custodian;
- (4) is without a parent, guardian, or legal custodian;
- (5) while subject to compulsory school attendance is habitually and without justification truant from school;
- (6) has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision;

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section III: The Juvenile Act (continued)

Step 5 (continued):

- (7) is under the age of ten years and has committed a delinquent act;
- (8) has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (6);
- (9) has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (6); or
- (10) is born to a parent whose parental rights with regard to another child have been involuntarily terminated under 23 Pa. C.S. §2511 (relating to grounds for involuntary termination) within three years immediately preceding the date of birth of the child and conduct of the parent poses a risk to the health, safety or welfare of the child.

Step 6:

The trainer directs participants to determine the difference between a dependent and a delinquent child by locating definitions that deal with delinquency in The Juvenile Act.

The trainer states that a delinquent child is a child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation. The trainer points out that children who are not yet ten years of age and who commit a delinquent act are considered dependent children as noted in section (7) of the definition of dependency.

The trainer directs participants attention to the definition of a delinquent act and notes that it is an act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law, or under local ordinances or an act which constitutes indirect criminal contempt under 23 Pa. C.S. Ch. 61 (relating to protection from abuse).

The trainer notes that there are various exclusions to a delinquent act including:

- murder;
- a variety of offenses, including rape, robbery, and kidnapping, if the child was 15 years of age or older at the time of the alleged conduct and a deadly weapon was used during the commission of the offense; and
- a variety of offenses, including rape, robbery, and kidnapping, if the child was 15 years of age or older at the time of the alleged conduct and has been previously adjudicated delinquent of certain acts.

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Section III: The Juvenile Act (continued)

Step 6 (continued):

The trainer asks participants why these offenses are excluded. The trainer ensures that participants respond that it is because in these situations the child will generally be treated as an adult in criminal court.

The trainer draws attention to the additional exclusions to a delinquent act. The trainer states that summary offenses are excluded since they are generally handled at the district justice level. The trainer states that the final exclusion is a crime committed by a child who has been found guilty in a criminal proceeding for other than a summary offense.

The trainer asks participants the difference between a dependent and a delinquent child. The trainer notes that a major difference is that delinquents come before the court because of their own behavior and dependents come before the court largely because of the behavior of their parents or other caretakers.

Step 7:

The trainer ensures that participants are seated in small groups of about four to five participants each. The trainer distributes **Handout #6 (Dependency)** and instructs participants to work in their small groups to determine which part of the definition of dependent child applies to each of the case scenarios.

Step 8:

The trainer reconvenes the large group and rotates among the small groups to elicit responses to each scenario, ensuring that the responses are:

1. Dave is four years old. His mother repeatedly beat him with an extension cord. The last time he was beaten, he ran out of the house and into the street. His mother, in a drunken stupor, chased after him with the extension cord in her hands.

Juvenile Act dependent child definition part (1): a child who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.

2. Thirteen-year-old Dick lives with his parents who work night shift and sleep in the morning upon returning from work. The parents have been unavailable for calls and visits from the school and child welfare agency. Dick has missed 29 days of school and been late for school on 15 days this school year.

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Section III: The Juvenile Act (continued)

Step 8 (continued):

Juvenile Act dependent child definition part (5): a child who is, while subject to compulsory school attendance, habitually and without justification truant from school.

3. Dolores, a mother in her thirties, has given birth to three children. She has used cocaine since her husband left her five years ago. Her first child was born six years ago. After Dolores' husband left, the child welfare agency placed the child in foster care and eventually involuntarily terminated the parents' rights to the child. Dolores' second child was born four years ago. Dolores lost custody of this child when he was age two, and again her rights were involuntarily terminated to this child. Dolores now has a newborn. What little money she has is used to buy cocaine. Instead of paying rent, she stays for a few weeks at a time with various friends. Dolores hasn't determined how she will buy food and clothing for the newborn.

Juvenile Act dependent child definition part (10): a child who is born to a parent whose parental rights with regard to another child have been involuntarily terminated within three years immediately preceding the date of birth of the child and the conduct of the parent poses a risk to the health, safety or welfare of the child.

4. Danielle is 15 years old. She takes off a lot and either stays with friends or parties through the night. Her parents know little of her whereabouts most of the time. The parents unsuccessfully attempted to establish a curfew for Danielle. Her response was to hitchhike to the New Jersey coast for a few days.

Juvenile Act dependent child definition part (6): a child who has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian, or other custodian and who is ungovernable and found to be in need of care, treatment or supervision.

5. Don is a truck driver and Dee likes to accompany him on his cross-country trips. Dee usually finds someone to care for her three, five and nine-year-old children while she's gone. This time, though, she couldn't find a sitter and Don was really pressuring her to go. Dee figured that the nine-year-old could handle the household for the week that she would be gone.

Juvenile Act dependent child definition part (3): a child who has been abandoned by his parents, guardian, or other custodian

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Section III: The Juvenile Act (continued)

Step 8 (continued):

6. Donna, age 14, has been sexually abused by her 20-year-old brother who lives in the same home. Donna's parents feel that she is making up the story since they recently refused to allow Donna's boyfriend to live in their home any longer.

Juvenile Act dependent child definition part (1): a child who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.

Step 9:

The trainer closes this segment of training by reinforcing that a lot can be learned about the parameters of The Juvenile Act by piecing together the definitions to gain an awareness of the children that fall within its scope.

B. Jurisdiction and Custody

Step 1:

The trainer states that now that participants have a basic knowledge of some of the definitions, discussion will turn to jurisdiction, and custody matters in The Juvenile Act.

Step 2:

The trainer directs participants to locate section 6321 of The Juvenile Act. The trainer states that this section discusses how proceedings begin in juvenile court and notes that parts (a) (2), (a) (2.1), and (a) (3) pertain to dependency matters.

The trainer reviews part (2) by stating that a proceeding can begin when a court in another area transfers a case to a participant's court, such as when a family has relocated.

The trainer reviews part (2.1) which states that a proceeding may begin by taking a child into custody in accordance with the provisions of section 6324 (related to taking into custody). The trainer notes that this relates to situations in which the agency has assumed emergency custody of a child.

The trainer reviews part (3) which states that a proceeding can begin by filing a petition alleging dependency of a child. The trainer notes that this part also tells how the petitions in juvenile court should be captioned, i. e. "in the interest of....., a minor." The trainer explains that juvenile court is not intended to be an adversarial setting, rather it is an arena for drawing in the child and looking at all pertinent issues of the child's circumstances.

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Section III: The Juvenile Act (continued)

Step 3:

The trainer directs participants' attention to section 6321 (b) and notes that the section tells which court to go to. The trainer states that parts (1) and (3) pertain to dependent children.

The trainer states that juvenile court proceedings can begin in the county in which the child resides or in the county in which the child is present when the proceeding begins. The trainer notes that examples of the latter include a runaway from another state who is currently in a participants' county and is in need of immediate shelter, or a child from another county who is living with relatives in a participant's county and who is in need of immediate protection from the relatives.

Step 4:

The trainer directs participants to section 6324 regarding taking into custody. Using **Overhead #22 (Taking Non-Delinquents into Custody)**, the trainer explains that non-delinquent children can be taken into custody by following sections (1), (3) or (4).

The trainer notes that section (1) explains that children can be taken into custody with an order of court if the court determines that to allow the child to remain in the home is contrary to the welfare of the child.

The trainer notes that section (3) explains that children can be taken into custody by a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child is suffering from illness or injury and is in imminent danger from his surroundings, and that the removal is necessary.

The trainer notes that section (4) explains that children can be taken into custody by a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has run away from his parents, guardian, or other custodian.

The trainer asks participants for examples of situations in which these various means of taking a child into custody were used.

Step 5:

The trainer points out section 6326 (a) (1) and notes that they, with all reasonable speed and without taking the child elsewhere, shall notify the parent, guardian or other custodian that the child has been taken into custody and the notify them of the child's whereabouts.

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Section III: The Juvenile Act (continued)

Step 6:

The trainer directs participants to locate section 6327 (e) of The Juvenile Act and tells participants that the section explains where dependent children can be placed. A child alleged to be dependent can be placed only in a Department of Public Welfare approved shelter care facility as noted in subsection (a) (1), (2), and (4). These shelter care facilities may be:

- a licensed foster home or a home approved by the court,
- a facility operated by a licensed child welfare agency or one approved by the court, or
- any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare.

The trainer points out that a child alleged to be dependent cannot be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses, but may be detained in the same shelter care facilities with alleged or adjudicated delinquent children (as long as the facility is not operated solely for the benefit of delinquent children.)

Trainer Note: This may be a suitable time for a break.

C. Procedures and Safeguards

Step 1:

The trainer states that discussion will turn to Subchapter C of The Juvenile Act, which addresses procedures and safeguards.

Step 2:

The trainer draws participants' attention to section 6331 and notes that, when a child has been placed in shelter care, the agency must promptly file a petition with the court within 24 hours or the next business day of the admission of the child to shelter care.

The trainer asks participants when a petition would be due to be filed if a child was placed on an emergency basis on a Friday evening. The correct response is that the petition would need to be filed with the court on Monday. If Monday is a court holiday, then the petition would be due to be filed on Tuesday.

The trainer asks participants when a petition would be due to be filed if a child was placed on an emergency basis on a Wednesday evening. The correct response is that the petition would need to be filed with the court on Thursday.

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Section III: The Juvenile Act (continued)

Step 3:

The trainer states that the next step in the juvenile court process is to hold a hearing. The trainer asks participants what this hearing is called. Responses may include shelter care hearing, emergency detention hearing, and 72-hour hearing. The trainer notes that, while agencies may have different functional terms for this hearing, The Juvenile Act refers to it as an informal hearing, as noted in section 6332.

The trainer points out that an informal hearing must be held no later than 72 hours after the child is placed in shelter care.

The trainer asks participants when an informal hearing must be held if a child was placed on an emergency basis on a Friday evening. The correct response is that the informal hearing would need to be held by Monday.

The trainer asks participants when an informal hearing must be held if a child was placed on an emergency basis on a Wednesday evening. The correct response is that the informal hearing would need to be held by Friday, assuming that the court would not be in session on Saturday.

Step 4:

The trainer redirects participant's attention to section 6332 and notes that the informal hearing is held to determine whether the shelter care is required and whether to allow the child to remain in the home would be contrary to the welfare of the child.

The trainer points out that another section of The Juvenile Act is referenced to explain if the shelter care is required and refers participants to section 6325. As it refers to alleged dependent children, section 6325 states that a child taken into custody shall not be placed in shelter care prior to the hearing on the petition unless his care is required to protect the child, or because the child may abscond or be removed from the jurisdiction of the court, or because he has no parent, guardian, or custodian or other person able to provide supervision and care for him, or an order for shelter care has been made by the court. A kinship care arrangement may be an alternative to another less-homelike shelter care placement.

The trainer notes that the informal hearing is basically affirming that there is an appropriate reason for the child to be in shelter care and it is contrary to the child's welfare to remain in the home.

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Section III: The Juvenile Act (continued)

Step 5:

The trainer redirects participants to section 6332 and notes that the court must also determine whether the agency made reasonable efforts to prevent the child's placement. In the case of an emergency, where services were not offered and could not have prevented the necessity for placement, the court must determine whether this level of effort was reasonable due to the emergency nature of the situation, safety considerations, and circumstances of the family.

Step 6:

The trainer explains that section 6332 offers further safeguards regarding notices. It notes that reasonable notice of the hearing, either oral or written, stating the time, place, and purpose of the hearing shall be given to the child and, if they can be found, to the parents, guardian, or other custodian. Before the hearing begins, the court must inform the parties of their right to counsel and to be appointed counsel if they cannot afford one.

The trainer adds that section 6332 (b) explains what happens if notice is not provided. If the child is not released from shelter care and a parent, guardian or other custodian has not been notified of the hearing, did not appear or waive appearance at the hearing, and files an affidavit showing these facts, the court must rehear the case without unnecessary delay. The court must order the release of the child from care unless it appears from the hearing that the shelter care is required under section 6325, as previously discussed.

Step 7:

The trainer states that the next section of The Juvenile Act addresses the petition. Using **Overhead #23 (Contents of the Petition)**, the trainer states that a dependency petition can be filed by any person and must contain the following information:

- (1) the facts which bring the child within the jurisdiction of the court and the Juvenile Act, with a statement that it is in the best interest of the child and the public that the proceeding be brought;
- (2) the name, age, and address of the child;
- (3) the names and addresses, if known, of the parents, guardian, or custodian of the child and of the spouse, if any, of the child. If none are known or cannot be found, the name of any known adult relative residing within the county, or if none, the known adult relative residing nearest to the location of the court;
- (4) if the child is in custody and, if so, the place of his detention and the time he was taken into custody.

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Section III: The Juvenile Act (continued)

Step 8:

The trainer states that additional information may need to be included in the petition if an aggravated circumstance exists. If it does, the petition includes a statement of the facts that the county agency intends to prove to support the allegation of an aggravated circumstance.

The trainer draws participants' attention to section 6302 of The Juvenile Act to determine the definition of aggravated circumstances. Using **Overhead #24 (Aggravated Circumstances)**, the trainer states that aggravated circumstances are any of the following circumstances:

- (1) The child is in the custody of a county agency and either:
 - the identity or whereabouts of the parents is unknown and cannot be ascertained and the parent does not claim the child within three months of placement; or
 - the identity or whereabouts of the parents is known and the parents have failed to maintain substantial and continuing contact with the child for six months.
- (2) The child or another child of the parent has been the victim of physical abuse resulting in serious bodily injury, sexual violence or aggravated physical neglect by the parent.

The trainer directs participants to locate the definitions of the three new terms.

The trainer notes that serious bodily injury is bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

The trainer notes that sexual violence is defined as rape, indecent contact, incest or using, causing, permitting, persuading or coercing the child to engage in a prohibited sexual act or a simulation of a prohibited sexual act for the purpose of photographing, videotaping, depicting on computer or filming involving the child.

The trainer notes that aggravated physical neglect is any omission in the care of a child which results in a life-threatening condition or seriously impairs the child's functioning.

The trainer redirects participants to the definition of aggravated circumstances and continues with part (3) of the definition.

- (3) The parent has been convicted of certain offenses where the victim was a child.

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Section III: The Juvenile Act (continued)

Step 8 (continued):

- (4) The attempt, solicitation or conspiracy to commit any of the named offenses.
- (5) The parental rights of the parent were involuntarily terminated with respect to a child of the parent.

Step 9:

The trainer ensures that participants are seated in small groups of about four to five persons each. The trainer distributes **Handout # 7 (Would You Allege Aggravated Circumstances?)**. The trainer instructs participants to work with their small groups to determine whether each case does or does not involve aggravated circumstances.

Step 10:

When participants have completed the task, the trainer reconvenes the large group and elicits responses for each of the case scenarios, ensuring that the responses include:

Jennifer:

Jennifer is a 21-year-old with a diagnosis of schizophrenia who just gave birth to a baby boy. She has a history of beating her first son severely. Two years ago, after placing her first son in foster care, the county agency filed a petition with the court for an involuntary termination of parental rights. The court terminated Jennifer's parental rights and the child was adopted. Jennifer has not been taking medication because of her pregnancy. She was severely abused physically and sexually as a child by her father. She has stated that she hates males and believes they are all "the devil." Hospital staff are requesting intervention.

This case involves aggravated circumstances due to the involuntary termination of Jennifer's right to another child two years ago.

Lisa:

Lisa is the 26-year-old mother of Nancy, age eight. Neighbors have reported to the county agency that Nancy is left alone for many hours in the apartment when Lisa goes out to search for drugs. The last time this occurred, a neighbor heard crying from inside the apartment. When they knocked at the door, Nancy reported that she had not seen her mother since last evening. Lisa has since returned home to find Nancy gone, unaware that she was taken into custody by the county agency.

This case does not involve aggravated circumstances. This type of abandonment is not included in the definition of aggravated circumstances.

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Section III: The Juvenile Act (continued)

Step 10 (continued):

Jack:

Jack is a three-year-old child who has been in a foster home for the past year with a permanency goal of reunification. The child was placed due to parental neglect. The mother is not a resource and her whereabouts are unknown. A neighbor phones the county agency alleging that the father is known in Colorado because he killed another child. The caseworker requests that the father get an FBI clearance after learning that the family had, in fact, lived in Boulder, Colorado. The Colorado child welfare agency was contacted and verified, in writing, that the father was responsible for the starvation death of a sibling and had served time for it. Three weeks later the FBI clearance comes back and shows the conviction for the sibling's death.

This case involves aggravated circumstances due to the father's conviction of the death of a child.

Malcolm:

Malcolm is the 35-year-old uncle of 11-year-old Desiree. Desiree reported to her teacher that her uncle, with whom she lives, shows her his "private parts" when they watch movies together. The school has reported this incident to the county agency. Upon investigation, it is discovered that on multiple occasions, Malcolm has exposed himself to Desiree, however Desiree insists that he has never touched her nor asked her to touch him. Upon obtaining criminal history information on Malcolm, it is discovered that he was convicted of sexual exploitation five years ago for exposing himself to children in a neighboring county.

This case does not involve aggravated circumstances. Sexual exploitation is not included in the definition of aggravated circumstances.

Tom:

Tom is the single parent of nine-year-old Darryl. Darryl's mother abandoned Darryl and Tom when Darryl was nine months old. The county agency took custody of Darryl after welts and bruises were discovered on Darryl's buttocks and legs. Neighbors allege that Tom physically disciplines Darryl using such implements as a belt and wooden paddle. The neighbors also indicated that, 15 years ago, Tom was convicted of killing his girlfriend. Through the investigation, the worker obtains a criminal history on Tom and discovers that he was convicted of involuntary manslaughter in the death of his girlfriend. He served six years in prison for the crime.

This case does not involve aggravated circumstances if the victim of involuntary manslaughter was not a child.

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Section III: The Juvenile Act (continued)

Step 11:

The trainer instructs participants to locate section 6334 (b) of The Juvenile Act to determine when allegations of aggravated circumstances may be brought to the court. Using **Overhead #25 (Allegations of Aggravated Circumstances)**, the trainer explains that an allegation that aggravated circumstances exist may be brought:

- in a petition for dependency with regard to a child who is alleged to be a dependent child; or
- in a petition for a permanency hearing with regard to a child who has been determined to be a dependent child.

The trainer points out that the matter may be brought to the court by the county agency or the child's attorney. The trainer adds that once the county agency reasonably believes that aggravated circumstances exist, it must file a petition as soon as possible, but no later than 21 days from the determination by the agency that aggravated circumstances exist.

Step 12: (Optional)

If time permits, the trainer may facilitate this small group activity.

The trainer ensures that participants are seated in small groups of about four to five persons each. The trainer distributes **Handout #8: Involving the Court**. The trainer asks participants to work with their small groups to discuss the two case vignettes and respond to the questions that follow each.

Step 13: (Complete only if Step 12 was completed.)

When participants have completed the task, the trainer reconvenes the large group and discusses each vignette.

Jennifer

Jennifer is a 21-year-old with a diagnosis of schizophrenia who just gave birth to a baby boy. She has a history of beating her first son severely. After placing the child in foster care, the local children and youth agency filed a petition with the court two years ago for an involuntary termination of parental rights. The court terminated Jennifer's parental rights and the child was adopted. Jennifer has not been taking medication because of her pregnancy. Her father severely abused her physically and sexually as a child. She has stated that she hates males and believes they are all "the devil." Hospital staff are requesting intervention.

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Section III: The Juvenile Act (continued)

Step 13 (continued):

-Would intervention include dependency? If so, what section of the definition would apply?

Yes. Part 10 of the definition would apply due to the involuntary termination within the past three years.

-Does this case involve aggravated circumstances? If so, why?

Yes, also because of the involuntary termination.

-If the county agency requests court involvement, in addition to identifying information, what would the petition include?

The petition would include the facts which support part 10 of the definition of dependency, the facts which support the aggravated circumstance, and the reasonable efforts made.

Jack

Jack is a three-year-old child who has been in a foster home for the past year with a permanency goal of reunification. The child was placed due to parental neglect and aggravated circumstances were not alleged by the agency. Mother is not a resource and her whereabouts are unknown. A neighbor phones the county agency alleging that the father is known in Colorado because he killed another child. The caseworker requests that the father get an FBI clearance after learning that the family had, in fact, lived in Boulder, Colorado. The father denied the allegation. The Colorado child welfare agency was contacted. They verified, in writing, that the father was responsible for the starvation death of a sibling and had served time for it.

-The county agency now reasonably believes that aggravated circumstances exist. What is the aggravated circumstance? What does the agency do and when?

Aggravated circumstances exist due to the father's role in the death of the child. The agency must file a petition alleging aggravated circumstances when it reasonably believes that such circumstances exist. When the Colorado agency verified the death of the sibling, the agency had 21 days to file the petition.

-Is there any court action that the agency may have overlooked in the past?

The agency should have filed a petition alleging aggravated circumstances regarding the mother when the child was in placement for three months and the whereabouts of the mother was unknown and she did not claim the child.

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Section III: The Juvenile Act (continued)

Step 14:

The trainer directs participants to locate section 6336 of The Juvenile Act and references part (a) which states that hearings under The Juvenile Act are conducted by the court without a jury, in an informal and orderly manner. (Trainer Note: Be advised that Allegheny County holds some open juvenile court hearings.) The trainer references part (d) which states that the general public are excluded from the hearings. The trainer adds that only the parties, their counsel, witnesses, other persons accompanying a party for assistance, and any other person as the court finds have a proper interest in the proceeding or in the work of the court shall be admitted by the court.

Step 15:

The trainer asks participants to locate section 6336.1 of The Juvenile Act. The trainer tells participants that the county agency must give notice of the hearings to the child's foster parent, preadoptive parent or relative providing care for the child. These persons are given an opportunity to be heard at any hearings but do not have legal standing unless they have been given legal custody of the child. The trainer explains that they are not a party to the action and would not be able to, for example, introduce witnesses or question another party's witnesses.

Step 16:

The trainer asks participants to locate section 6337 of The Juvenile Act. The trainer states that discussion of the guardian ad litem for the child is dealt with elsewhere in the law. The trainer tells participants that all other parties are entitled to representation by legal counsel at all stages of any proceedings. If a party does not have the financial resources to employ counsel, the court must provide counsel for the party. If the interests of a mother and a father of a child, for example, are in conflict, each would be provided separate counsel.

The trainer adds that if a party appears in court without counsel, the court will determine if they know of their right to counsel. The court may continue the proceeding to another time to enable a party to obtain counsel. The trainer points out that section 6338 of The Juvenile Act entitles parties to introduce evidence and otherwise be heard in his own behalf and to cross-examine witnesses.

Step 17:

The trainer states that finally, with all of this other information in mind, the agency can proceed to the adjudication hearing. The trainer directs participants to section 6341 of The Juvenile Act which notes that after hearing evidence on the petition the court makes a finding as to whether the child is a dependent child. If the court finds that a child is not a dependent child, it dismisses the petition and orders the child discharged from any placement that may have occurred.

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Section III: The Juvenile Act (continued)

Step 17 (continued):

The trainer notes that section 6341 (c) specifies that the standard of proof in dependency hearings is clear and convincing evidence. The trainer explains that the court must have a firm belief of the facts sought to be established. The section also explains what occurs if there is a finding of dependency. The court holds immediately, or within 20 days, a hearing to make a proper disposition of the case. It is not uncommon to hold adjudication and dispositional hearings at the same time.

Step 18:

The trainer states that once there is a finding of dependency, the court determines if aggravated circumstances exist, if they were alleged in the petition. If the court finds that aggravated circumstances exist, the court determines whether or not reasonable efforts need to be made to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family.

D. Disposition of Children

Step 1:

The trainer notes that the final section of The Juvenile Act to be discussed in this portion of the training is the disposition of a dependent child.

The trainer directs participants to section 6351 (a) of The Juvenile Act. The trainer tells participants that if a child is found to be a dependent child, the court may make any of the following orders of disposition best suited to the safety, protection, and physical, mental, and moral welfare of the child:

- (1) Permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.
- (2) Subject to conditions and limitations as the court prescribes transfer temporary legal custody to any of the following:
 - (i) Any individual resident, including any relative, who after study is found to be qualified to receive and care for the child.
 - (ii) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.
 - (iii) A public agency authorized by law to receive and provide care for the child.

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Section III: The Juvenile Act (continued)

Step 1 (continued):

(2.1) Subject to conditions and limitations as the court prescribes, transfer permanent legal custody to an individual, including any relative, who, after study, is found to be qualified to receive and care for the child.

(3) Transfer custody of the child to the juvenile court of another state.

Step 2:

The trainer directs participants' attention to section 6351 (b) of The Juvenile Act and states that before the court can order any disposition that would remove a dependent child from his home, the court must find the following:

(1) that continuation of the child in his home would be contrary to the welfare, safety or health of the child; and

(2) whether reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from his home, if the child has remained in his home pending the disposition; or

(3) if preventive services were not offered due to the necessity for an emergency placement, whether such lack of services was reasonable under the circumstances; or

(4) if the court previously determined at an informal hearing that reasonable efforts were not made to prevent the initial removal of the child from his home, whether reasonable efforts are under way to make it possible for the child to return home.

The trainer adds that the court does not rule on parts (2), (3) or (4) if the court previously determined that aggravated circumstances exist and no new or additional reasonable efforts are required to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family.

Step 3:

The trainer notes that the initial phases of the juvenile court process have now been discussed. There are other critical pieces of The Juvenile Act, including those that deal with permanency hearings. The trainer notes that the remaining key provisions of The Juvenile Act and its application will be discussed in the third part of the legal series: *The Juvenile Act and Going to Court*.

Trainer Note: This is the close of Day 1 of the training.

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Section IV: Review

Estimated Length of Time:

15 minutes

Rationale:

Group trust and cohesiveness assist in creating a positive environment for learning. When the trainer restarts a workshop with an opening activity which engages participants, promotes the development of cohorts, and reinforces prior learning, participants will be encouraged to interact, fostering the further development of group trust and cohesiveness and reinforcement of key learning points.

Learning Objectives:

Participants will be able to:

- ✓ Express key learning points from the first day of the training.

Methods of Presentation:

Small group activity and large group discussion

Materials Needed:

- ✓ Sign-in sheets
- ✓ Small prizes (optional)
- ✓ **Overhead #4 (Agenda) (revisited)**
- ✓ **Handout #9 (Unscrambling Our Learning)**

Resources Used:

None

PA Standards:

None

CFSR Issues:

None

Interactional Skills:

None

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Section IV: Review (continued)

Step 1:

The trainer welcomes participants back to the second day of training.

The trainer ensures that participants are seated in small groups of about four to five participants each. The trainer distributes **Handout #9 (Unscrambling Our Learning)**. The trainer instructs participants to work with their small groups to unscramble each of the terms on the handout. The terms comprise key areas discussed on the first day of training. If the trainer wishes, the trainer can tell participants that the activity will be a contest with prizes awarded to the group which correctly unscrambles all of the terms first.

Step 2:

When the task is complete, the trainer reconvenes the large group and rotates among the small groups to determine the correct terms. After each term is noted, the trainer asks what was learned about the term on the first day of training. The terms are:

1. statutory law

Enacted by the United States Congress or the legislatures of each state and signed into law by the president or state governor.

2. administrative law

Arises from governmental agencies who have rule-making authority delegated to them by Congress or the state legislature. These directives are issued by administrative agencies such as the United States Department of Health and Human Services and the Pennsylvania Department of Public Welfare.

3. regulation

Implements the law and has the full force and effect of law.

4. bulletins

Establish policy and procedure and provide guidance.

5. Child Abuse Prevention and Treatment Act

The primary objectives was to increase the identification, reporting, and investigation of child maltreatment, thereby protecting children from harm.

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Section IV: Review (continued)

Step 2 (continued):

6. Adoption Assistance and Child Welfare Act (of 1980)

Initiated in response to the problem of foster care "drift", or the sense of impermanence in foster homes and concerns about children placed in multiple foster placements over an extended period of time.

7. permanence

One of the goals for children in the child welfare system, along with safety and well-being.

8. Adoption and Safe Families Act (of 1997)

Establishes unequivocally that the goals for children in the child welfare system are safety, permanency, and well-being.

9. Child and Family Service Reviews

These reviews examine outcomes for children and families in three areas: safety, permanency, and child and family well-being.

10. Indian Child Welfare Act (of 1978)

Establishes minimum Federal standards for the removal of Indian children from their homes and for the placement of Indian children in homes that reflect the values of Indian culture.

11. Multiethnic Placement Act (of 1994)

MEPA attempts to decrease the time children wait to be adopted; to prevent discrimination on the basis of race, color and/or national origin when making foster care and adoptive placements; and to facilitate identification and recruitment of foster and adoptive families that can meet children's needs.

12. Foster Care Independence Act (of 1999)

Established to improve independent living programs for current and former foster youth up to age 21; to expand access to medical care; and to extend services to age 21 for former foster youth.

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Section IV: Review (continued)

Step 2 (continued):

13. Juvenile Act

Provides for the safety, permanence, and well-being of children and details court procedures. It pertains to both dependent and delinquent children.

14. dependent

As defined by The Juvenile Act, a child who meets one of ten situations including one who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.

15. informal hearing

Held to determine whether shelter care is required and whether to allow the child to remain in the home would be contrary to the welfare of the child.

16. aggravated circumstances

If found by the court, it determines whether or not reasonable efforts need to be made to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family.

Step 3:

The trainer congratulates participants on their learning and, as an option, awards prizes to the group that completed the task first.

Step 4:

The trainer references the needs that were listed by participants on the first day of training, noting which have been addressed and where others might be addressed on this second day of training.

Using **Overhead #4 (Agenda)**, the trainer notes that the training day will include discussion on the Child Protective Services Law, Adoption, and Regulation.

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Section V: The Child Protective Services Law

Estimated Length of Time:

2hours, 30 minutes

Rationale:

The Child Protective Services Law integrates the reporting, investigating, and recording of child abuse and neglect and also provides for the swift delivery of protective services. The *Pennsylvania Standards for Child Welfare Practice* suggest that child welfare workers and supervisors attend training to gain a working knowledge of the Child Protective Services Law so that they can appropriately assess inquiries and make investigative decisions. The Child Protective Services Law notes that abused children are in urgent need of an effective child protective service to prevent them from suffering further injury and impairment. To help meet this need, this segment of training offers Child Welfare Professionals the knowledge and awareness to use the law to both identify reported maltreatment that initiates agency responsibility, and stabilize and improve the children's own homes by helping parents to perform more responsibly in relation to their children's care. The knowledge and awareness will assist Child Welfare Professionals in their difficult task of maintaining a just and effective balance in its use of authority in relation to the child at risk, whose rights and protection depend on other persons; to parents, whose right to raise their children without outside intervention is being questioned; and to society, which has delegated a responsibility for the protection of children from abuse and neglect.

Learning Objectives:

Participants will be able to:

- ✓ Explain how The Child Protective Services Law impacts practice at the state and county levels.
- ✓ Identify the major provisions of The Child Protective Services Law.

Methods of Presentation:

Lecture, small group activity, and large group discussion

Materials Needed:

- ✓ A hard copy of the current Child Protective Services Law for each participant
- ✓ Table copies of the current *Annual Child Abuse Report*
- ✓ Table copies of Report of Suspected Student Abuse, CY 47-D
- ✓ 20 pieces of play money, all in the same denomination (optional)
- ✓ Small prizes (optional)
- ✓ **Overhead #26 (Purposes of the CPSL)**
- ✓ **Overhead #27 (Protective Services)**
- ✓ **Overhead #28 (Child Abuse)**
- ✓ **Overhead #29 (Perpetrator)**
- ✓ **Handout #10 (Defining Protective Services)**
- ✓ **Handout #11 (The Mandated Reporter)**

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Section V: The Child Protective Services Law (continued)

Materials Needed (continued)

- ✓ **Handout #12 (Who Wants to be a Child Welfare Professional?)**

Resources Used:

Pennsylvania. (2003). *Child Protective Services Law, Title 23, PA C.S., Chapter 63.*

Pennsylvania. (2002). *Newborn Protection Act, Title 23, PA C.S., Chapter 65.*

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2000). *An Overview of the Child Protective Services Law.* Shippensburg, PA: Shippensburg University.

Pennsylvania Department of Public Welfare. (2006). *2005 Annual Child Abuse Report.*

PA Standards:

IA: Assessment: Assess Inquiries

IC: Assessment: Make Investigative Decisions

IH: Assessment: Consider Culture

CFSR Issues:

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

Interactional Skills:

Tuning in to the Phase of the Helping Process You're in

Clarifying Purpose, Function, and Role

Identifying Next Steps

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Section V: The Child Protective Services Law

A. Preliminary Provisions

Step 1:

The trainer tells participants that the focus of the training will now turn to another state law, The Child Protective Services Law (CPSL). The trainer distributes a copy of The Child Protective Services Law.

The trainer asks participants which Federal law was and is a big influence on the CPSL. The response is CAPTA, the Child Abuse Prevention and Treatment Act of 1974. The trainer tells participants that the CPSL was first enacted in 1975 and has been amended many times since.

Step 2:

The trainer directs participants to locate the findings and purpose of the CPSL. The trainer states that the findings at the time that the CPSL was enacted were that abused children are in urgent need of an effective child protective service to prevent them from suffering further injury and impairment.

Using **Overhead #26 (Purposes of the CPSL)**, the states that there are six major areas in the purpose of the CPSL:

- encourage more complete reporting of suspected child abuse;
- establish in each county protective services for the purpose of investigating the reports swiftly and competently;
- provide protection for children from further abuse;
- provide rehabilitative services for children and parents involved so as to
 - ensure the child's well-being, and
 - to preserve, stabilize and protect the integrity of family life wherever appropriate, or
 - to provide another alternative permanent family when the unity of the family cannot be maintained;
- involve law enforcement agencies in responding to child abuse; and
- assess risk of harm to a child and with the capabilities to
 - respond adequately to meet the needs of the family and child who may be at risk, and
 - to prioritize the response and services to children most at risk.

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Section V: The Child Protective Services Law (continued)

Step 2 (continued):

The trainer asks participants which of the outcomes of the Adoption and Safe Families Act are embodied in these purposes. The responses are safety (provide protection for children from further abuse), permanence (preserve the integrity of family life or provide another alternative permanent family), well-being (ensure the child's well-being), and timeliness (investigate reports swiftly).

Step 3:

The trainer states that the title of the law highlights protective services and asks participants to locate that definition in the CPSL.

Using **Overhead #27 (Protective Services)**, the trainer defines protective services as those services and activities provided by the Department of Public Welfare and each county agency for children who are abused or are alleged to be in need of protection under the CPSL.

The trainer states that there are two components to protective services: child protective services and general protective services. The trainer asks participants to find the definitions and determine the difference between the two.

Using **Overhead #27 (Protective Services)**, the trainer explains that child protective services are those services and activities provided for child abuse cases. General protective services are services and activities provided for nonabuse cases requiring protective services.

Step 4:

The trainer states that the knowledge of the definitions of protective services, child protective services, and general protective services does not provide a clear understanding of what is involved since another term--child abuse--is used and has not been defined.

The trainer ensures that participants are seated in small groups of about four to five persons each. The trainer distributes **Handout #10 (Defining Protective Services)**. The trainer asks participants to work with their small groups to respond to the questions on the handout using section 6303 of the CPSL.

Step 5:

When participants have completed the task, the trainer reconvenes the large group and rotates among the small groups to elicit responses to each of the questions. The trainer ensures that the responses are:

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Section V: The Child Protective Services Law (continued)

Step 5 (continued):

1. Child protective services are those services and activities provided by the Department of Public Welfare and each county agency for child abuse cases. What is child abuse?

Overhead #28 (Child Abuse) is available for use.

(i) Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

2. The definition of child abuse still requires further explanation. What is a recent act or omission?

Acts or omissions committed within two years of the date of the report to the Department of Public Welfare or county agency.

3. Who is a perpetrator?

Overhead #29 (Perpetrator) is available for use.

A perpetrator may be

- a parent of a child
- a person responsible for the welfare of a child
- an individual residing in the same home as a child
- a paramour of a child's parent.

4. Who is a person responsible for the child's welfare?

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Section V: The Child Protective Services Law (continued)

Step 5 (continued):

A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

5. Who is an individual residing in the same home as the child?

An individual who is 14 years of age or older and who resides in the same home as the child.

6. What is serious physical injury?

An injury that causes a child severe pain or significantly impairs the child's functioning either temporarily or permanently.

7. What is serious mental injury?

A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

(1) renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or

(2) seriously interferes with the child's ability to accomplish age-appropriate developmental and social tasks.

8. What is sexual abuse or exploitation?

The employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

9. In addition to accidents, what are two exclusions to child abuse?

-6303 (b) (2). Environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care.

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Section V: The Child Protective Services Law (continued)

Step 5 (continued):

-6303 (b) (3). Child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion.

10. What procedures does the county agency follow in cases involving the religious exclusion?

- Closely monitor the child.
- Seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.
- Do not reference "child abuse" and acknowledge the religious basis for the child's condition.
- Refer for general protective services, if appropriate.

B. Reporting Suspected Child Abuse

Step 1:

The trainer points out to participants that it took a lot of effort to define all of the critical elements of protective services for persons working in child welfare. The trainer comments that it is even more difficult for reporters of protective services to understand and maneuver the child welfare system. The trainer notes that discussion will begin on reporting suspected child abuse so that Child Welfare Professionals can be more aware of the reporter's mandates.

Step 2:

The trainer states that Pennsylvania has always had two types of reporters of child abuse and asks participants who they are. The response is permissive and mandated. The trainer adds that any person who reasonable cause to suspect abuse may make a report as noted in section 6312 of the CPSL. Other persons are required to report.

The trainer directs participants to determine in the CPSL what gives a person a mandate to report suspected abuse. The trainer explains that section 6311 (a) states that persons who, in the course of their employment, occupation, or practice of their profession, come into contact with children must report or cause a report to be made when they have reasonable cause to suspect on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is an abused child.

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Section V: The Child Protective Services Law (continued)

Step 2 (continued):

The trainer asks participants how privileged communication interacts with the CPSL. The trainer points out that section 6311 (a) states that except with respect to confidential communication made to an ordained member of the clergy, the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report as required by the CPSL.

The trainer asks participants to name some of the persons who must report. The trainer points out that there is a listing of persons in section 6311 (b). The list includes social services worker, which would include those working in child welfare agencies. The trainer emphasizes that the list is not all inclusive.

Step 3:

The trainer states that mandated reporters are of critical importance to the child abuse prevention effort. The trainer reminds participants that the first purpose of the CPSL is to encourage more complete reporting of child abuse. The trainer adds that mandated reporters have consistently provided the most accurate and reliable information on abused and neglected children.

The trainer provides each table with a copy of the most current *Annual Child Abuse Report*. The trainer references the report and states that about 72 percent of all suspected abuse reports made are referred by mandated reporters. Mandated reporters made about 72 percent of all substantiated reports. The trainer adds that schools have consistently reported the highest number of total reports from mandated reporters. The highest numbers of substantiated reports come from hospitals and law enforcement agencies. The trainer comments that it is important that Child Welfare Professionals continue to develop these community resources.

Step 4:

The trainer ensures that participants are seated in small groups of about four to five persons each. The trainer distributes **Handout # 11 (The Mandated Reporter)** and states that in the scenario Mr. Troper has contacted a participant's county agency with various questions regarding the procedures and responsibilities for mandated reporters. The trainer directs participants to work with their small groups to research Subchapter B of the CPSL and determine a response to Mr. Troper.

<p>Trainer Note: When participants complete the task, it may be a suitable time for a break.</p>

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Section V: The Child Protective Services Law (continued)

Step 5:

When participants have completed the task, the trainer reconvenes the large group and circulates among the small groups to determine the appropriate response to Mr. Troper. The trainer ensures that the following information is included:

- Section 6311 (c): Whenever a person is required to report in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall assume the responsibility and have the legal obligation to report or cause a report to be made.
- Section 6313 (b): Oral reports shall be made to the Department of Public Welfare and may be made to the appropriate county agency. They are made immediately.
- Section 6313 (c). Mr. Troper must follow up his oral report with a written report. The trainer notes that the report is titled the Report of Suspected Child Abuse, or CY-47, and is submitted within 48 hours. The agency should offer to send copies of the form to Mr. Troper.
- Section 6314: A person or official required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county agency at the time the written report is sent or as soon thereafter as possible. The county agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.
- Section 6318. Anyone who in good faith participates in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse, the taking of photographs or the removal or keeping of a child, and any official or employee of a county agency who refers a report of suspected abuse to law enforcement authorities or provides services under the CPSL, shall have immunity from civil and criminal liability that might otherwise result by reason of those actions. The good faith of a person required to report and of any person required to make a referral to law enforcement shall be presumed.

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Section V: The Child Protective Services Law (continued)

Step 5 (continued):

- 6311 (d): Any person who is required to report or cause a report of suspected child abuse to be made and who, in good faith, makes or causes the report to be made and, as a result thereof, is discharged from his employment or in any other manner is discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, may commence an action in the court of common pleas of the county in which the alleged unlawful discharge or discrimination occurred for appropriate relief. If the court finds that the person is an individual who is required to report or cause a report of suspected child abuse to be made and who, in good faith, made or caused to be made a report of suspected child abuse, and, as a result thereof, was discharged or discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, it may issue an order granting appropriate relief, including, but not limited to, reinstatement with back pay. The Department of Public Welfare may intervene in any action commenced under this subsection.
- Section 6319: A person or official required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

Step 6:

The trainer notes that there are a few other sections of Subchapter B of the CPSL that have not yet been reviewed. The trainer draws participants' attention to section 6315 regarding taking a child into custody. The trainer states that the CPSL notes that a child may be taken into custody as provided by The Juvenile Act; by a physician examining or treating the child or by the director, or a person specifically designated in writing by the director, of any hospital or other medical institution where the child is being treated if protective custody is immediately necessary to protect the child; or by a physician or the director, or a person specifically designated by the director, of a hospital pursuant to The Newborn Protection Act if the child is a newborn.

The trainer asks participants how this differs from The Juvenile Act. The response is that it adds physicians and hospital directors or designees to the list of those who can assume custody of a child in abuse situations.

The trainer tells participants that The Newborn Protection Act permits a parent to leave a newborn, someone less than 28 days of age, at a hospital without fear of criminal prosecution and with anonymity when the newborn has not been a victim of suspected child abuse. The hospital must take the child into protective custody, perform a medical evaluation as well as any act necessary to care for and protect the physical health and safety of the newborn, and notify the county agency and the police.

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Section V: The Child Protective Services Law (continued)

Step 6 (continued):

The county agency, within 24 hours, must make diligent efforts to notify the parents, guardian, custodian, or other family member of the whereabouts of the newborn. The county agency is responsible for making decisions regarding medical care until the court makes other provisions. The trainer adds that county agencies are required to have counseling, outreach, publicity, and education programs to prevent newborn abandonment.

Step 7:

The trainer directs participants' attention to section 6315 (b) of the CPSL and notes that if a physician, hospital director or designee take custody of a child, the child cannot be held for more than 24 hours unless the county agency is immediately notified and obtains a court order to permit the child to be held in custody for a longer period.

The trainer notes that section 6315 (c) (1) explains that an individual taking a child into protective custody must immediately, and within 24 hours in writing, notify the parent, guardian or other custodian of the child of the whereabouts of the child, unless prohibited by court order, and the reasons for the need to take the child into protective custody and shall immediately notify the county agency so that proceedings under The Juvenile Act can be initiated, if appropriate. The trainer adds that section 6315 (c) (2) discusses similar procedures for newborns.

The trainer calls attention to section 6315 (d) and notes that the section discusses the informal hearing which participants learned about in the previous day of training. The trainer adds that the section goes on to say that if, at the informal hearing, it is determined that protective custody shall be continued and the child is alleged to be without proper parental care or control or is alleged to be a dependent child, the county agency must file a petition alleging dependency within 48 hours.

The trainer asks participants how this rule differs from The Juvenile Act. The response is that The Juvenile Act requires that the petition be filed within 24 hours of assuming custody of the child and the CPSL required that the petition be filed within 48 hours of the informal hearing.

The trainer draws attention to section 6315 (f) and explains that a conference must be held with the parent or other custodian within 48 hours of the time that the child was taken into custody for the purpose of:

- explaining the reasons for the temporary detention of the child and the whereabouts of the child, unless prohibited by court order;

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Section V: The Child Protective Services Law (continued)

Step 7 (continued):

- expediting, wherever possible, the return of the child to the custody of the parent, guardian or other custodian where custody is no longer necessary; and
- explaining the right to counsel and other basic rights as outlined in The Juvenile Act.

The trainer notes that section 6316 of the CPSL outlines that hospitals must admit, treat, and maintain children who appear to be suffering from any physical or mental condition which may constitute child abuse.

The trainer notes that, finally, this subchapter of the CPSL in section 6317 mandates that reports be made to the coroner when there is reasonable cause to suspect that a child died as a result of child abuse.

C. Students in Public and Private Schools

Step 1:

The trainer notes that participants now have a basic knowledge and understanding of what constitutes child abuse and how it is reported. The trainer adds that another type of abuse has different definitions and different rules. Student abuse will now be researched to determine how it is treated pursuant to the CPSL.

Step 2:

The trainer ensures that participants are seated in fairly equal small groups of about four to five persons each. The trainer places a copy of the Report of Suspected Student Abuse, CY 47-D on each participant table. The trainer distributes **Handout #12 (Who Wants to be a Child Welfare Professional?)**.

The trainer instructs participants to work with their small groups to complete the activity. The trainer can choose to conduct the activity as a contest among the small groups. The trainer notes that for this activity, 20 issues are posed, with a selection of four possible responses to each. Participants must choose only one response to each issue and cite the section of the CPSL or other reference which supports their decisions. The response will not be correct if the section of the law is not cited correctly.

If the trainer chooses, the trainer notes that the game will be played similar to Who Wants to be a Millionaire. The quicker a group gets done, the better chance it has at winning. The order that the rest of the activity is played will be determined by the order in which a small group finishes the task. The trainer adds that each group is afforded one lifeline, i.e. they can ask another source for one answer.

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Section V: The Child Protective Services Law (continued)

Step 3:

When participants have completed the task, the trainer reconvenes the large group and rotates among the small groups to elicit responses to the 20 issues. The trainer conducts a large group discussion while eliciting responses so that all key aspects related to Subchapter C.1, Students in Public and Private Schools, of the CPSL are addressed.

If the trainer chooses to conduct the activity as a game, the trainer determines the order of the groups based on the order in which the small groups finished the task. The first group to finish the task will go first, the second group will go second, and so on. The trainer uses 20 pieces of play money, all in the same denomination, and awards one bill for each correct answer. The trainer begins with the first group which answers questions until it is incorrect. The trainer then moves to the second group until they answer a question incorrectly, etc. The trainer may wish to award small prizes to the group that finishes with the most money.

1. The person responsible for the administration of a public or private school, intermediate unit or area vocational-technical school is the
 - a. superintendent
 - b. secretary
 - c. *administrator*
 - d. principalCPSL Section: 6351

2. An individual employed by, or under contract with, a public or private school, intermediate unit or area vocational-technical school is a
 - a. bus driver
 - b. teacher
 - c. janitor
 - d. *school employee*CPSL Section: 6303

3. An individual under age 18 who is enrolled in a public or private school, intermediate unit or area vocational-technical school is a
 - a. *student*
 - b. child
 - c. dependent
 - d. youthCPSL Section: 6303

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Section V: The Child Protective Services Law (continued)

Step 3 (continued):

4. An injury which causes a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ is
 - a. serious physical injury
 - b. *serious bodily injury*
 - c. serious physical neglect
 - d. a failure to actCPSL Section: 6303

5. Student abuse is
 - a. *serious bodily injury or sexual abuse or exploitation*
 - b. serious physical injury or sexual abuse or exploitation
 - c. serious bodily injury or serious mental injury
 - d. the same as child abuseCPSL Section: 6352 (a)

6. Mandated reporters of suspected student abuse are
 - a. persons who come into contact with children professionally
 - b. *school employees*
 - c. all persons
 - d. administratorsCPSL Section: 6352 (a)

7. A school employee who suspects student abuse should contact
 - a. ChildLine
 - b. county agency
 - c. *administrator*
 - d. superintendentCPSL Section: 6352 (a)

8. An administrator reports suspected student abuse to
 - a. ChildLine
 - b. county agency
 - c. *law enforcement officials and the district attorney*
 - d. ChildLine and the county agencyCPSL Section: 6353 (a)

9. An administrator reports suspected student abuse
 - a. *immediately*
 - b. within 24 hours
 - c. within 72 hours
 - d. within one weekCPSL Section: 6353 (a)

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Section V: The Child Protective Services Law (continued)

Step 3 (continued):

10. The written report of suspected student abuse filed by the administrator or school employee is a
 - a. CY 47
 - b. CY 48
 - c. CY 47C
 - d. CY 47-DReference: *Report of Suspected Student Abuse form*

11. The initial investigation of a report of suspected student abuse is conducted by the
 - a. school administrator
 - b. law enforcement officials
 - c. county agency
 - d. superintendentCPSL Section: 6353.1 (a)

12. The county agency receives reports of suspected student abuse from
 - a. school administrator
 - b. law enforcement officials
 - c. school employee
 - d. superintendentCPSL Section: 6353.1 (b) (1)

13. The county agency must coordinate its investigation of suspected student abuse with the
 - a. school administrator
 - b. law enforcement officials
 - c. school employee
 - d. superintendentCPSL Section: 6353.1 (b) (2)

14. Law enforcement officials and the county agency must conduct joint interviews with the
 - a. student
 - b. school employee
 - c. perpetrator
 - d. school administratorCPSL Section: **6353.1 (b) (2)**

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Section V: The Child Protective Services Law (continued)

Step 3 (continued):

15. ChildLine is notified of the report of suspected student abuse by the
 - a. school administrator
 - b. law enforcement officials
 - c. school employee
 - d. *county agency*CPSL Section: 6353.2 (a)

16. The county agency must complete its investigation of a report of suspected student abuse within
 - a. 30 days
 - b. 48 hours
 - c. 6 months
 - d. *60 days*CPSL Section: 6353.2 (c)

17. The county agency provides written notice of the existence of the report to a subject of the report
 - a. prior to interviewing the subject
 - b. within 72 hours of the report
 - c. *within 72 hours of oral notification*
 - d. within 48 hours of the reportCPSL Section: 6353.2 (d)

18. The number of reports of student abuse investigated in Pennsylvania in 2005 were
 - a. 17
 - b. 5
 - c. 55
 - d. 335Reference: *Annual Report of Child Abuse*

19. The number of reports of substantiated student abuse in Pennsylvania in 2005 were
 - a. 9
 - b. 11
 - c. 28
 - d. 3Reference: *Annual Report of Child Abuse*

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Section V: The Child Protective Services Law (continued)

Step 3 (continued):

20. In Pennsylvania in 2005, the substantiated reports of student abuse involved
- a. serious bodily injury and sexual abuse
 - b. serious bodily injury
 - c. *sexual abuse*
 - d. serious physical injury
- Reference: *Annual Report of Child Abuse*

Step 4:

The trainer congratulates the participants on their hard work and asks if there are any additional questions regarding student abuse. The trainer notes that a more in depth discussion of the CPSL and its application will occur on the following day of the legal series.

Trainer Note: This may be a suitable time for lunch.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act

Estimated Length of Time:

2 hours

Rationale:

Particularly with the passage of the Adoption Assistance and Child Welfare Act of 1997 and its emphasis on permanence for children, child welfare agencies are required to pursue relinquishments, terminations, and adoptions for an increasing number of children in their care. The key requirements for these processes are located in The Adoption Act. To achieve permanence for children through adoption, Child Welfare Professionals must have knowledge and awareness of The Adoption Act and its requirements, particularly as they pertain to involuntary terminations. When all Child Welfare Professionals in an agency have this knowledge and awareness, the final court processes are more thorough and secure and a child's permanence is better ensured.

Learning Objectives:

Participants will be able to:

- ✓ Explain how The Adoption Act impacts practice at the state and county levels.
- ✓ Identify the major provisions of The Adoption Act.

Methods of Presentation:

Lecture, small group activity, and large group discussion

Materials Needed:

- ✓ Overhead projector/screen
- ✓ A copy of The Adoption Act for each participant
- ✓ An auto windshield sunshade, with instructions (optional)
- ✓ Dartboard and several darts (optional)
- ✓ **Overhead #30 (Section 2511 (a) (3))**
- ✓ **Overhead #31 (Section 2511 (a) (8))**
- ✓ **Overhead #32 (Section 2511 (b))**
- ✓ **Overhead #33 (Section 2511 (a) (1))**
- ✓ **Overhead #34 (Section 2511 (a) (2))**
- ✓ **Overhead #35 (Section 2511 (a) (4))**
- ✓ **Overhead #36 (Section 2511 (a) (5))**
- ✓ **Overhead #37 (Section 2511 (a) (6))**
- ✓ **Overhead #38 (Section 2511 (a) (7))**
- ✓ **Overhead #39 (Resource Family)**
- ✓ **Overhead #40 (Information to Resource Families)**
- ✓ **Handout #13 (Grounds for Involuntary Termination Worksheet)**
- ✓ **Handout #14 (A Tool for Involuntary Termination)**
- ✓ **Handout #15 (An Involuntary Termination)**

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act (continued)

Resources Used:

Pennsylvania. (2002). *The Adoption Act, (Title 23, PA C.S., Chapters 21-29)*.

Pennsylvania. (2005). *The Juvenile Act, (Title 23, PA C.S., Chapter 63)*

Pennsylvania. (2005). *Resource Family and Adoption Process Act (Act 68 of 2005)*.

Pennsylvania. (2005). *Resource Family Care Act (Act 73 of 2005)*.

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2000). *Termination of Parental Rights: A Look at the Adoption Law*. Shippensburg, PA: Shippensburg University.

Statewide Adoption and Permanency Network. *Facts for Families & Professionals*.

United States Code. (1997). *Adoption and Safe Families Act of 1997, (P.L. 105-89)*.

PA Standards:

IIB: Service Planning: Select an Appropriate Goal

IIIK: Service Delivery: Determine Least Restrictive Setting

IIIO: Service Delivery: Plan Family Visits

CFSR Issues:

Permanency Outcome 1: Children have permanency and stability in their living situations.

Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.

Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.

Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.

Interactional Skills:

Tuning in to the Phase of the Helping Process You're in

Clarifying Purpose, Function, and Role

Identifying Next Steps

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act

Step 1:

The trainer distributes a copy of The Adoption Act to each participant and tells participants that discussion of The Adoption Act will now begin.

The trainer asks participants which piece of Federal law has impacted on the increased use of The Adoption Act. The response is the Adoption and Safe Families Act of 1997.

The trainer asks participants which of the goals of ASFA is most addressed by The Adoption Act. The response is permanence. The trainer states that adoption is one of the ways to meet the first permanency outcome of children having permanency and stability in their living situations.

Step 2:

The trainer states that permanence for a child can be reached when the court enters a decree of adoption. Section 2902 of The Adoption Act addresses this issue. The court must be satisfied that statements made in the adoption petition are true, that the needs and welfare of the person proposed to be adopted will be promoted by the adoption, and that all requirements have been met. If so, the person proposed to be adopted shall have all the rights of a child and heir of the adopting parent or parents and shall be subject to the duties of child to him or them. If requested, the decree, according to section 2904 may provide that the adoptee shall assume the name of the adopting parent or parents and any given first or middle names that may be chosen.

The trainer states that pursuant to The Adoption Act, any individual may be adopted, regardless of his age or residence and any individual may become an adopting parent.

Step 3:

The trainer directs participants to Section 2711 of The Adoption Act and notes that, with a few exceptions, various persons must agree to the adoption:

- (1) the adoptee, if over 12 years of age;
- (2) the spouse of the adopting parent, unless they join in the adoption petition;
- (3) the parents or surviving parent of an adoptee who has not reached the age of 18;
- (4) the guardian of an incapacitated adoptee; and
- (5) the guardian of the person of an adoptee under the age of 18 years, if any the be, or of the person or persons having the custody of the adoptee, if any such person can be found, whenever the adoptee has no parent whose consent is required.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act (continued)

Step 4:

The trainer states that before a child can be legally adopted the rights to the child's parents must be severed thus freeing the child for adoption by a new parent or parents. The trainer asks participants to name the **three** ways that a child can be freed for adoption. The response is by voluntary relinquishment, **confirmation of parental Consent** or involuntary termination.

Step 5:

The trainer directs participants to section 2501 of The Adoption Act dealing with voluntary relinquishment. The trainer states that a typical situation in a voluntary relinquishment follows the requirements of section 2501. A situation exists in which a child under age 18 has been in the care of the agency for at least three days or the agency receives notice of the intent to transfer to it custody of a child, executed by the parent. The parent or parents of the child may then petition the court for permission to relinquish forever all parental rights and duties with respect to their child, thus freeing the child for adoption.

The trainer adds that if the petitioner is not yet 18, his or her parent or guardian does not need to consent to the relinquishment. The agency, though, must consent to accept custody of the child until the child is adopted.

A parent may also consent to the termination of his or her parental rights. In this case, a parent signs a consent form stating their intention to give up all parental rights to a child. Once a parent signs this consent, they have 30 days in which to revoke this consent. After the 30 days has passed, the consent becomes totally irrevocable unless the parent is able to prove they signed the consent under duress, or they were incapable of making the decision to sign. The parent can put no conditions on signing this form (i.e. "I agree to give up my parental rights if my child is adopted by _____").

Although similar to a voluntary relinquishment, the responsibility of filing the petition to confirm parental consent rests with the agency, and not with the parent. It may still be necessary to involuntarily terminate the parental rights of the remaining parent, if they also do not consent to the adoption of their child or voluntarily relinquish their parental rights.

Step 6:

The trainer states that when a relinquishment is not secured, the child welfare agency may seek an involuntary termination of parental rights to free the child for adoption. The trainer asks participants what mandate exists in law to file an involuntary termination. The response is that the Adoption Assistance and Child Welfare Act of 1997 requires the county agency to file a petition to terminate the rights of the parents when the child has been in care for 15 of the most recent 22 months, **unless compelling reasons exist for the agency not to do so.**

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act (continued)

Step 6 (continued):

The trainer asks participants to cite two major areas of The Juvenile Act which mention involuntary terminations.

If not expressed by participants, the trainer states that part 10 of the definition of dependency addresses a child who is born to a parent whose parental rights with regard to another child have been involuntarily terminated pursuant to The Adoption Act within three years immediately preceding the date of birth of the child and conduct of the parent poses a risk to the health, safety or welfare of the child.

The trainer emphasizes that these situations apply only to involuntary terminations and not to voluntary relinquishments.

The trainer states that the grounds for involuntary termination are only 11 sentences, but require careful review to understand and will be studied in the following section.

B. Involuntary Termination

Step 1:

The trainer begins the segment regarding involuntary termination by stating that proceedings pursuant to the Juvenile Act are held in juvenile court. Proceedings regarding voluntary relinquishment, **confirmation of consent**, involuntary termination, and adoption are held in **Orphans' Court**. Nonetheless, some of the findings from juvenile court may be used to help prove the grounds for involuntary termination.

Trainer Note: The trainer should discuss with participants the fact that the Adoption Law has not been amended to reflect the changes in the Juvenile Act, which resulted from ASFA. Although an agency is required under the Juvenile Act to file for termination of parental rights if the child has been in care 15 of the last 22 months, this is not a ground for involuntary termination of parental rights under the Adoption Act. Similarly, the existence of an Aggravated Circumstance in and of itself is not a ground for termination of parental rights, despite a Juvenile Court's order there be no efforts made to reunify the family. In addition, the termination of parental rights must prove to be in the best interest of the child, "giving primary consideration to the developmental, physical, and emotional needs and welfare of the child," which the agency is required to establish through testimony and evidence.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act (continued)

Step 1 (continued):

Trainer Note: At times, these factors can present significant difficulty in establishing adequate grounds in the Orphans' Court for involuntary termination of parental rights, despite the rulings of the Juvenile Court, due to differences in standards of proof between a dependency and a TPR hearing, as well as the existence of different standards for admissibility of hearsay evidence. The decision regarding the filing of a petition to involuntarily terminate the parental rights of parents should be made in collaboration with the County solicitor, who has knowledge regarding the differences between the separate courts and the technicality of the laws under which they operate.

The trainer offers an example of how the findings in one court can be used in another court. A person has received several citations for traffic violations and a magistrate has made a finding of guilt. Now, the person is seated before a PennDOT hearing officer who is conducting a hearing to revoke the person's driver's license. Even if the individual did not commit the offenses, if the individual pleads guilty or is found guilty, but did not appeal, the person cannot raise the issue at a later date with the hearing officer. The person had an opportunity to appeal the charges earlier and did not take it, so the charges now stand and cannot be argued.

The trainer notes that likewise in juvenile court, if a final order on a matter was issued and was not appealed, the order can **sometimes** be used to prove a necessary point in Orphans' Court.

Step 2:

The trainer directs participants' attention to Section 2511 of The Adoption Act, which lists the grounds for involuntary termination. The trainer distributes **Handout #13 (Grounds for Involuntary Termination Worksheet)**.

The trainer ensures that participants are seated in small groups of about four to five persons each. The trainer states that work will begin with parts (3), (8), and (b) since they are the simplest. Participants should work with their small groups to complete parts (3), (8), and (b) of their worksheets by listing for each: what points must be proven and how might they be proven. (Depending upon the participants and the time, the trainer may choose to assign only one of the parts to each small group.)

Step 3:

When participants have completed the task, the trainer reconvenes the large group and first begins to elicit responses regarding Section 2511 (a) (3). Using **Overhead #30 (Section 2511 (a) (3))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (3): The parent is the presumptive but not the natural father of the child. The trainer ensures that the following two points to be proven are stated by participants (while revealing them on the overhead): 1) parent is the presumptive father and 2) parent is not the natural father.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act (continued)

Step 3 (continued):

The trainer asks participants how each of these points may be proven to the court. The trainer ensures that the following information is discussed. A man is considered a presumptive father **if he was** married to the mother at the time of **the birth of the child or during any period during the one year prior thereto**. All presumptive fathers should be terminated, even if the natural father is known. DNA testing is more prevalent due to TANF requirements and child support actions. A DNA test can show that either one person is the father or that one person tested is not the father. If testing was already done as a result of a support action, there will be a court order stating the results which can be used in the termination proceeding. As an alternative, evidence of the results of a DNA test can be presented.

A presumptive father should not be confused with a putative father. A putative father is one who has been identified as the father of the child, either by himself, the mother, or in some cases another person, but for whom no paternity has been established through testing. In such cases, there is a possibility that there exists both a presumptive and a putative father. Because of these factors, it is possible that an agency may be required to terminate the parental rights of more than one father to a single child.

The trainer states that it may seem unusual to terminate the rights of a presumptive father if the actual father is known. The trainer may wish to illustrate the point of doing so by using an auto windshield sunshade with instructions. Sunshades carry a warning that the auto should not be driven while the sunshade is in place. The trainer reads, or has a participant read the warning on the sunshade package. This should be self-evident. (A McDonald's coffee cup with a warning can serve the same purpose.) The trainer emphasizes that terminating the rights of all men who may be the child's father better ensures that an adoption will not be delayed or disrupted and the child can indeed have permanence in their living situation.

Step 4:

The trainer next elicits responses regarding Section 2511 (a) (8). Using **Overhead# 31 (Section 2511 (a) (8))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (8): The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child. The trainer ensures that the following initial three points to be proven are stated by participants (while revealing them on the overhead): (1) child has been in agency care for at least 12 months; (2) original conditions for removal continue; and (3) termination best serves the child's needs and welfare.

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Section VI: The Adoption Act (continued)

Step 4 (continued):

The trainer states that in order to prove the first two points, the agency could use the juvenile court orders to prove the original conditions and the extent of corrections to the original conditions. The first two issues are clearly illustrated by the previous court orders but the third issue remains and there will be a time subsequent to the last court order and prior to the termination hearing which will require proof. The third one is the easiest for opposing counsel to oppose since there is little else for them to argue.

The trainer states that in order to deal with the last issue of subsection (8), the participants must review subsection (b). The trainer elicits responses regarding Section 2511 (b). Using **Overhead# 32 (Section 2511 (b))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (b): The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care found to be beyond the control of the parent. With respect to any petition filed pursuant to subsection (a) (1), (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving notice of the filing of the petition. The trainer ensures that the following three points to be proven are stated by participants (while revealing them on the overhead): 1. child's developmental, physical and emotional needs and welfare are given primary consideration; 2. rights will not be terminated solely based on environmental factors beyond parent's control; and 3. no efforts after notice considered for sections (a) (1), (6) or (8).

Again using **Overhead# 31 (Section 2511 (a) (8))**, the trainer states that participants now know the fourth point of Section 2511 (a) (8), since they now know it is modified by Section 2511 (b): court will not consider parent's efforts after notice of the petition's filing.

The trainer notes that the issue of the needs and welfare of the child are delineated as developmental, physical and emotional. Previous juvenile court orders may already speak to some or all of these issues. The use of interactionals and professionals' opinions can also address this issue.

In order to comply with the federal Child Abuse Prevention and Treatment Act, a ninth ground for termination of parental rights was added to Section 2511 (a) of the Pennsylvania Adoption Act to allow for involuntary termination of parental rights. Section 2511(a) (9) allows for the termination of parental rights when the parent has been convicted of one of the following crimes, and the victim was a child of the parent:

- an offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
- a felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);

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Section VI: The Adoption Act (continued)

Step 4 (continued):

- an offense in another jurisdiction equivalent to criminal homicide or aggravated assault; or
- an attempt, solicitation or conspiracy to commit an offense of criminal homicide, aggravated assault or the equivalent in another jurisdiction .

Step 5:

The trainer states that in an involuntary termination petition, as many subsections as possible should be listed for each parent. As an illustration, the trainer may choose to bring and use a dartboard. The trainer hangs the dartboard and asks a participant to pick one number on the dartboard and then asked to hit that number. Chances are not great that the number will be hit. The trainer asks another participant to pick one, some or all of the numbers on the dartboard and then throw the darts.

The participant will obviously pick all of the numbers to increase their odds. The same theory applies to involuntary termination petitions.

Step 6:

The trainer states that participants are now better prepared to study the remaining sections of the grounds for involuntary termination. The trainer cautions participants to remember that if a section contains "and", all issues must be proved.

The trainer notes that an analogy can be drawn to baseball. If a player hits the ball, runs to first, does a tap dance, and then runs directly to home plate, he or she is out. If a player hits the ball, runs to first, does a tap dance, runs to second, does the Macarena, and runs over the pitcher's mound to home plate, he or she is out. If the player hits the ball, barely touches first, barely touches second, barely touches third, and barely beats the throw to home plate, he or she scores a run. The trainer notes that the point in involuntary terminations is to address and prove each issue and not to dwell on one single issue, to the exclusion of others.

Step 7:

The trainer directs participants to return to **Handout #13 (Grounds for Involuntary Termination Worksheet)**. The trainer asks participants to work with their small groups to review sections (1), (2), and (4) and decide for each what issues needed to be proved and how each can be proved. (Depending upon the participants and the time, the trainer may choose to assign only one of the parts to each small group.)

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act (continued)

Step 8:

When participants have completed the task, the trainer reconvenes the large group and first begins to elicit responses regarding Section 2511 (a) (1). Using **Overhead #33 (Section 2511 (a) (1))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (1): The parent by conduct continuing for a period of at least six months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claims to a child or has refused or failed to perform parental duties. The trainer ensures that the following five points to be proven are stated by participants (while revealing them on the overhead): (1) parent's conduct for a period of at least six months immediately preceding petition's filing; (2) either settled purpose of relinquishing parental claims (3) or refused to perform parental duties; (4) or failed to perform parental duties; and, as per Section 2511 (b), (5) court will not consider parent's efforts after notice of petition's filing.

The trainer points out that issues (2), (3), and (4) are not in the conjunctive and only one of the three needs to be proved.

The trainer notes that subsections (1), (2), (5), and (8) are used by child welfare agencies far more than the other subsections.

In proving subsection (1), the trainer should note that the county agency only pursues involuntary terminations for children in its custody. For children to be in its custody, the child must have been found dependent and there must be a present clear necessity to remain out of the parent's custody. To remain out of the parent's custody, that necessity must continue to exist. The agency will have prepared a plan, which tells the parent what to do to have the child returned and notes the time to achieve the outcomes. At a permanency hearing, the juvenile court gives the parent the opportunity to address the plan and then will enter an order delineating what must be done and the timeframe. The court will also rule whether the agency has made reasonable efforts to reunify the child and parent. Since the child is still in the agency's custody, then the parents, despite being told what to do, despite being given reasonable services to accomplish the objectives, and despite being given a reasonable amount of time to meet the objectives, have been unable to become minimally adequate parents. Since the parents have already received reasonable services and reasonable time, there is little else that can be done. The court has also determined in orders what placement is best suited for the child's physical, mental, and moral welfare and that placement is not with the parents.

Step 9:

The trainer elicits responses regarding Section 2511 (a) (2). Using **Overhead #34 (Section 2511 (a) (2))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (2):

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Section VI: The Adoption Act (continued)

Step 9 (continued):

The repeated and continued incapacity, abuse, neglect, or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

The trainer ensures that the following three points to be proven are stated by participants (while revealing them on the overhead): 1) parent's repeated and continued incapacity, abuse, neglect or refusal; 2) has caused the child to be without essential parental care, control or subsistence necessary for the child's physical or mental well-being; 3) conditions or causes of one cannot or will not be remedied by parent.

The trainer notes that the if subsection (2) and the definition of a dependent child are compared, there are many similarities, thus much of the proof would already exist in juvenile court findings. In addition, the amount of correction of the original conditions, which lead to removal of the child, is also a juvenile court finding which can be used to prove this subsection.

Step 10:

The trainer elicits responses regarding Section 2511 (a) (4). Using **Overhead #35 (Section 2511 (a) (4))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (4): The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found.

The trainer ensures that the following five points to be proven are stated by participants (while revealing them on the overhead): (1) child is in agency's custody; (2) identity or whereabouts of parent unknown; (3) diligent search cannot ascertain identity or whereabouts; (4) parent does not claim; (5) within three months from finding of child.

The trainer asks for an example of what type of child this may be. The response is that it can be an infant abandoned at a hospital, as with The Newborn Protection Act, or other location. Most of the parts of the subsection have already been proven in juvenile court. There is case law that exists regarding diligent searches. Among the areas to search are real estate records and county assistance office records. Legal publication must occur at least three times. The final publication is to occur ten days before the involuntary termination hearing.

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Section VI: The Adoption Act (continued)

Step 11:

The trainer states that there are three additional subsections remaining. The trainer leads a large group discussion to determine what needs to be proved for subsections (5), (6), and (7). (The trainer can again complete this segment of training by instructing participants to complete the task within their small groups, in a similar fashion as was done with the preceding subsections, depending upon the participants and time constraints.)

The trainer elicits responses regarding Section 2511 (a) (5). Using **Overhead #36 (Section 2511 (a) (5))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (5): The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

The trainer ensures that the following five points to be proven are stated by participants (while revealing them on the overhead): (1) child has been in agency care for at least six months; (2) original conditions for removal continue; (3) parent cannot or will not remedy; (4) within reasonable time with services or assistance reasonably available; (5) termination best serves the child's needs and welfare.

The trainer notes that the parent, through counsel, will generally attempt to challenge the agency's case by using parts three and four--the parent cannot or will not remedy the conditions within a reasonable period of time with services or assistance reasonably available.

Step 12:

The trainer elicits responses regarding Section 2511 (a) (6). Using **Overhead #37 (Section 2511 (a) (6))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (6): In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act (continued)

Step 12 (continued):

The trainer ensures that the following seven points to be proven are stated by participants (while revealing them on the overhead): 1) newborn child; 2) parent knows or has reason to know of child's birth; 3) parent does not reside with child; 4) parent not married to other parent; 5) in four months preceding filing did not make reasonable efforts of substantial contact; 6) in same four months failed to provide substantial financial support; 7) as per subsection (b), court will not consider parent's efforts after notice of petition's filing.

The trainer notes that the definition of a newborn child in The Adoption Act differs from the definition in the CPSL of 28 days. The trainer directs participants to locate the definition to be used for this purpose. Section 2102 of The Adoption Act defines newborn child as a child who is six months of age or younger at the time of the filing of any petition pursuant to Chapter 25 relating to proceedings prior to petition to adopt.

The trainer states that subsection (6) is not widely used by child welfare agencies. It is used primarily by one parent attempting to terminate the rights of another parent.

Step 13:

The trainer elicits responses regarding Section 2511 (a) (7). Using **Overhead #38 (Section 2511 (a) (7))**, using a sheet of paper to cover it over so that only one point is revealed at a time, the trainer reviews part (7): the parent is the father of a child who was conceived as a result of a rape **or incest**. The trainer ensures that the following two points to be proven are stated by participants (while revealing them on the overhead): 1) parent is the father; 2) child conceived by rape.

The trainer notes that this subsection is concise and clear. Only two issues need to be considered. Participants know how to show that the parent is the father from discussions regarding subsection (3). The agency can prove that a child was conceived by rape through documentation of a conviction, although a conviction is not required.

Step 14:

The trainer congratulates participants' efforts toward understanding the eleven sentences that explain how an involuntary termination may be attained to free a child for adoption and better ensure the child's permanence. While there are merely eleven sentences, they are quite complex. The trainer emphasizes that the thorough gathering and exploration of information and the comprehensive documentation of that documentation from intake throughout the life of the case will assist in obtaining involuntary terminations of parental rights subsequently, if that is what is indicated for the child.

205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, Overview

Section VI: The Adoption Act (continued)

Step 14 (continued):

The trainer distributes **Handout #14 (A Tool for Involuntary Termination)** and notes that it is a resource for them to use when preparing cases for involuntary termination.

Trainer Note: This may be a suitable time for a break.

Step 15:

If time permits, the trainer ensures that participants are seated in small groups of about four to five persons each to conduct a small group activity. The trainer distributes **Handout #15 (An Involuntary Termination)**. The trainer asks participants to review the scenario and work with their small groups to respond to the question posed.

Step 16:

If the activity was conducted, the trainer reconvenes the large group. The scenario posed is that the mother is currently married to Sam who is listed on the birth certificate of Sue and Fred. Mother has begun living with John. At three years of age, Sue is taken to emergency room due to lacerations apparently caused by attempted penetration.

Only the mother, John, Fred, and Sue were in the home when the injury occurred. They attributed the injury to a fall on a cardboard box. A skeletal survey indicated five fractures in various stages of healing. After a year of counseling without admitting guilt, mother and John have Sue returned to them. Within one month, and in the week of her fourth birthday, Sue is taken to the emergency room requiring sutures due to attempted penetration. Mother now states that John is the birth father of Sue and Fred. Fred has never been shown to be injured.

The trainer notes that the question posed is whether the parental rights to Sue can be terminated and, if so, pursuant to what subsections.

The trainer rotates among the small groups to elicit responses to the question.

The trainer should ensure that the following points are made. In addition to the mother, the rights of Sam and John should both be terminated. The mother, Sam, and John should each be considered subsection by subsection. If Sue was in care for 12 months, subsections (1), (2), (5), and (8) can be used for each. Sam could apply to subsection (3) if it is proven that he was not Sue's father. There are very different facts to be proven for each parent while using identical subsections.

Step 17:

The trainer completes the segment of training by acknowledging the strides participants have made in their knowledge and awareness of involuntary termination.

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Section VI: The Adoption Act (continued)

C. Resources

Step 1:

The trainer notes that when the rights of parents have been voluntarily relinquished or involuntarily terminated, the agency ensures permanence for the child through adoption.

The trainer states that two recent state laws address resource families.

The trainer notes that the Resource Family and Adoption Process Act, Act 68 of 2005, provides rights of resource parents and provides for duties of county and private agencies. Using **Overhead #39 (Resource Family)**, the trainer states that the act defines a 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.

The trainer states that the agency must give an interview to the resource family parent or parents when the agency has changed the child's goal from foster care to adoption, and the resource family is interested in becoming an adoptive resource for the child, and the child has resided with that resource family for six months or more. No resource family who meets these conditions shall be denied consideration as an adoptive parent solely because of the inability to access that individual as a resource family parent in the future. Act 68 further states that when more than one adoptive resource is available for the child, the county agency must document its reasons for placing the child with the selected adoptive parents in the child's case record.

The trainer notes that the Resource Family Care Act, Act 73 of 2005, adds responsibilities of county and private agencies regarding resource families. Using **Overhead #40 (Information to Resource Families)**, the trainer states that county and private agencies shall provide the following to resource families:

1. Notification of scheduled meetings by the county or private agency concerning a child residing with a resource family in order to actively participate and have input into the service and permanency planning process regarding the child;
2. Support services to assist in the care of the child, consistent with the child's approved permanency plan;
3. Open, complete and timely responses from the county or private agency when contacted by the resource family, regarding the role of the resource family and the care of the child;

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Section VI: The Adoption Act (continued)

Step 1 (continued):

4. Information about the child's medical history, general behavior and relationship with his or her parents shall be provided to the resource family as soon as that information is obtained by the county or private agency. Within a reasonable amount of time the agency shall also provide information to the resource family concerning the educational history, life experiences and previous and prospective placement circumstances of the child;
5. Consultation with the resource family in the development of the permanency plan;
6. Consultation with the resource family in the decision to release the resource family's address to the child's parent and to be informed prior to such information being shared with the child's parent;
7. Assistance with the coordination of services that may be deemed necessary due to resulting family loss and separation upon a child's departure from the resource family's home when such relocation is not the result of an immediate threat to the health and safety of the child caused by the resource family;
8. Information on all county or private agency policies and procedures that relate to the role of a resource family;
9. Any appropriate training deemed necessary to enhance the skills and performance of the resource family;
10. Information on how to receive services and reach county or private agency personnel on a 24-hour-a-day, 7-day-a-week basis;
11. Confidentiality regarding allegations of abuse involving a member of the resource family. The provision of confidentiality shall not interfere with the safety of the child;
12. Opportunity to be heard regarding agency decisions or practices involving a child residing with the resource family. The agency shall not discharge, threaten, or otherwise discriminate or retaliate against a resource family for an appropriate inquiry regarding the decisions or practices of an agency that affect a child residing with the resource family.

The trainer adds that Act 73 adds that all resource families must be given a copy of the 12 responsibilities by the appropriate county or private agency upon approval as a resource family.

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Section VI: The Adoption Act (continued)

Step 2:

The trainer states that when resources are not immediately available for an adoptive placement of a child, agencies have resources available to assist them in securing permanence for a child.

The trainer references Subchapter E of The Adoption Act, which discusses the Pennsylvania Adoption Cooperative Exchange. The name was subsequently changed to Pennsylvania Adoption Exchange or PAE. Agencies must register all children with PAE for whom parental rights have been terminated for 90 days and for whom no report of intention to adopt has been filed in court.

Agencies may also register children where restoration to the biological family is neither possible nor appropriate, a petition to terminate parental rights has been filed, and adoption is planned pending identification of an adoptive parent or parents.

The trainer adds that, in addition to the children registered by PAE, families are registered into the database and potential matches between registered children and families are forwarded to their agencies. PAE accepts registrations from agency-approved adoptive families regardless of the adoptive family's state of residence. This policy helps to meet the ASFA requirements to eliminate geographic boundaries that hinder permanency for a child.

Step 3:

The trainer notes that another resource to county agencies is the Statewide Adoption and Permanency Network, or SWAN. SWAN is a partnership among public and private agencies, judges and the legal community, foster, and adoptive parents. The network is administered by the Department of Public Welfare through a prime contractor. The purpose is to build a better collaborative adoption process in Pennsylvania.

The SWAN program serves children in the custody of county children and youth agencies, whether or not they have a goal of adoption. Foster children without a goal of adoption are eligible to receive child profiles, child preparation services and child specific recruitment services. SWAN also serves those families who step forward to provide children in foster care with permanency. Prospective adoptive, kinship, and permanent legal custodians are eligible to receive family profiles through SWAN. The design of the network is to support the work of county agencies in expediting adoption services. Child Welfare Professionals working in county agencies can use SWAN to facilitate the adoption process for children on their caseload. The prime contractor can help workers to access an affiliate adoption agency in the agency's local area to perform family profiles, child profiles, and other adoption tasks. Free legal consultation on adoption-related matters is also available.

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Section VI: The Adoption Act (continued)

Step 4:

The trainer wraps up this segment of the training and the section regarding adoption by noting that there are thousands of children living in foster care in Pennsylvania who have needs and circumstances which prevent them from returning home to their families. While adoption is often the answer for these children, the adoption process is a complicated one, involving many legal steps and the skills of several different professions. Without the assurance of timely adoptions, too many children miss the opportunity to grow up in a family to call their own. Instead, they grow out of the system and enter the adult world with no real family ties or stability. Children deserve better and they deserve a permanent family.

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Section VII: Regulation

Estimated Length of Time:

1 hour

Rationale:

Regulation implements the law and has the full force and effect of law. As such, Child Welfare Professionals must have the knowledge and awareness of key regulations in effect in Pennsylvania so that they may seek access to and research those regulations, when applicable situations arise, and then know to apply those regulations in order to meet the minimum standards of child welfare practice.

Learning Objectives:

Participants will be able to:

- ✓ Tell which regulation addresses an identified topic area.
- ✓ Recognize how regulation guides the casework process.

Methods of Presentation:

Lecture, individual activity, small group activity, and large group discussion

Materials Needed:

- ✓ Flip chart pad
- ✓ Markers
- ✓ Masking tape
- ✓ Five copies of Chapter 3130 Regulations (relating to Administration of County Children and Youth Social Service Program)
- ✓ Five copies of Chapter 3350 Regulations (relating to Adoption Services)
- ✓ Five copies of Chapter 3490 Regulations (relating to Child Protective Services)
- ✓ Five copies of Chapter 3700 Regulations (relating to Foster Family Care Agency)
- ✓ **Handout #16 (Know Your Regulations)**

Resources Used:

Commonwealth of Pennsylvania, Department of Public Welfare. Title 55, *PA Code, Chapter 3130. Administration of County Children and Youth Social Service Programs.*

Commonwealth of Pennsylvania, Department of Public Welfare. (1999). Title 55, *PA Code, Chapter 3490, Protective Services.*

Commonwealth of Pennsylvania, Department of Public Welfare. (2002). Title 55, *PA Code, Chapter 3350, Adoption Services.*

Commonwealth of Pennsylvania, Department of Public Welfare. (2002). Title 55, *PA Code, Chapter 3700. Foster Family Care Agency.*

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Section VII: Regulation (continued):

Resources Used (continued):

Commonwealth of Pennsylvania, Department of Public Welfare. Title 55, PA Code, Chapter 3140, *Planning and Financial Reimbursement for Requirements for County Children and Youth Social Services Programs.*

Commonwealth of Pennsylvania, Department of Public Welfare. Title 55, PA Code Chapter 3150. *Grants to Counties for New Social Services for Children and Youth.*

Commonwealth of Pennsylvania, Department of Public Welfare. Title 55, PA Code, Chapter 3170, *Allowable Costs and Procedures for County Children and Youth Social Services Programs.*

Commonwealth of Pennsylvania, Department of Public Welfare. Title 55, PA Code, Chapter 3680, *Administration and Operation of a Children and Youth Social Service Agency.*

Commonwealth of Pennsylvania, Department of Public Welfare. Title 55, PA Code, Chapter 3800. *Child Residential and Day Treatment Facilities.*

Commonwealth of Pennsylvania, Department of Public Welfare. Title 55, PA Code, Chapter 20, *Licensure or Approval of Facilities and Agencies.*

PA Standards:

IA: Assessment: Assess Inquiries

IC: Assessment: Make Investigative Decisions

IH: Assessment: Consider Culture

IIB: Service Planning: Select an Appropriate Goal

IIC: Service Planning: Write the Plan

IIIG: Service Planning: Determine Length of Service

IIIK: Service Delivery: Determine Least Restrictive Setting

IIIO: Service Delivery: Plan Family Visits

IVA: Monitor Service Delivery

CFSR Issues:

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

Permanency Outcome 1: Children have permanency and stability in their living situations.

Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

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Section VII: Regulation (continued):

CFSR Issues (continued):

Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.

Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.

Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.

Interactional Skills:

Tuning in to the Phase of the Helping Process You're in
Clarifying Purpose, Function, and Role

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Section VII: Regulation

Step 1:

The trainer states that regulations that govern children and youth agencies are generally issued by the Pennsylvania Department of Public Welfare (DPW), implement the law, and have the full force and effect of law.

Step 2:

The trainer distributes **Handout #16 (Know Your Regulations)** and asks participants to complete it individually by matching the number of each regulation with its title.

Step 3:

When participants have completed the task, the trainer reconvenes the large group and elicits responses to the matching activity. The trainer ensures that the correct answers are:

1. Chapter 20 matches E. Licensure or Approval of Facilities and Agencies

The trainer states that Chapter 20 establishes the framework for the application process, the inspection process, and the removal of licensure or approval. The Office of Children, Youth and Families Regional Offices conduct annual reviews of public and private agencies to evaluate their compliance with the state policies and regulations.

2. Chapter 3130 matches C. Administration of County Children and Youth Social Service Programs

3. Chapter 3140 matches A. Planning and Financial Reimbursement Requirements for County Children and Youth Social Service Programs

The trainer notes that this set of regulations is one of three sets that set forth the fiscal responsibilities and requirements applied to child welfare programs in the Commonwealth.

4. Chapter 3150 matches G. Grants to Counties for New Social Services to Children and Youth

The trainer notes that this set of regulations is also one of the three sets that set forth the fiscal responsibilities and requirements applied to child welfare programs in Pennsylvania.

5. Chapter 3170 matches B. Allowable Costs and Procedures for County Children and Youth Social Services Programs

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Section VII: Regulation (continued)

Step 3 (continued):

The trainer notes that this set of regulations is the third of the three sets that set forth the fiscal responsibilities and requirements applied to child welfare programs in Pennsylvania.

6. Chapter 3350 matches J. Adoption Services

The trainer asks participants what law this set of regulations largely applies to. The response is The Adoption Act.

7. Chapter 3490 matches H. Protective Services

The trainer asks participants what law this set of regulations largely applies to. The response is The Child Protective Services Law.

8. Chapter 3680 matches F. Administration and Operation of a Children and Youth Social Service Agency

The trainer states that these regulations govern services including supervised independent living services and private agencies that provide adoption services.

9. Chapter 3700 matches I. Foster Family Care Agency

The trainer states that these regulations establish minimum requirements for foster family care.

10. Chapter 3800 matches D. Child Residential and Day Treatment Facilities

The trainer states that these regulations govern residential treatment, which is an option for substitute care when the child's needs cannot be met in the home and they require more intense structure and supervision. Residential facilities include traditional residential settings, such as group homes, to more alternative programs settings such as boot camps, outdoor wilderness programs, mobile programs and transitional living residences. Non-State operated secure residential facilities as well as detention facilities are also licensed under these regulations. Chapter 3800 also govern alternative education and service day programs for children who are transitioning from a more intense residential program back to their families or who need special services for the child to remain at home to avoid more intensive residential placement.

The trainer congratulates those participants who were able to match all of the items.

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Section VII: Regulation (continued)

Step 4:

The trainer arranges participants into four fairly even small groups. The trainer assigns each small group one of four sets of regulations: Chapter 3130, Chapter 3350, Chapter 3490 or Chapter 3700. The trainer distributes several copies of the appropriate Chapter to the group assigned to it. The trainer explains that their task is to work with their small group to review their assigned set of regulations and determine the key areas that are addressed within. The trainer tells participants to list the key areas on a sheet of flip chart paper. The trainer distributes a sheet of flip chart paper to each small group.

Step 5:

When participants have completed the task, the trainer reconvenes the large group and asks participants to hang their flip chart sheets.

The trainer calls upon the Chapter 3130 Administration of County Children and Youth Social Service Programs group to give its report.

The trainer ensures that the following information is discussed by the group. The goal of this chapter is to ensure the proper accomplishment of the child welfare duties and functions vested by law in the counties. The regulations list the goal of children and youth to ensure for each child in the Commonwealth a permanent, legally assured family which protects the child from abuse and neglect. Included in the mandates are: services to be provided by and responsibilities of the county agency, responsibilities of the county executive officers and advisory committee, guidelines for and confidentiality of family case records, requirements regarding family service plans, requirements regarding the placement of children including family visits, requirements regarding court hearings, and requirements for foster care programs and the treatment of children within those programs.

The trainer call upon the Chapter 3350 Adoption Services group to give its report. The trainer ensures that the following information is discussed by the group. The service goal of the chapter is to provide new and permanent legal family ties for children whose natural parents are unable or unwilling to fulfill this responsibility. The chapter defines adoption services and lists general requirements for adoption services. It further outlines: studies of the child, natural family, and adoptive applicant; placement selection; recordkeeping; adoption record disclosures; and searches for birth parents.

The trainer calls upon the Chapter 3490 Protective Services group to give its report. The trainer notes that the Chapter 3490 regulations are far reaching and build upon the CPSL in the areas of child protective services, abuse of students in school, general protective services, and other general requirements.

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Section VII: Regulation (continued)

Step 5 (continued):

The trainer calls upon the Chapter 3700 Foster Family Care Agency group to give its report. The trainer notes that the goal of the chapter is to reduce risk to children in placement; to protect their health, safety and human rights; to establish minimum requirements for the operation of a foster family care agency; and to establish minimum requirements to be applied by foster family care agencies when approving and supervising foster families. The chapter includes health care requirements for children in foster care and outlines requirements for the orientation and approval of foster homes.

Step 6:

The trainer tells participants that the albeit brief discussion of regulation is complete and participants are nearing the completion of part one of the legal series.

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Section VIII: Evaluation and Closure

Estimated Length of Time:

15 minutes

Rationale:

Effective training sessions provide an opportunity for participants to give feedback regarding the training content and the trainer's behavior so that the training can be improved for future sessions. Participants will benefit from recapping their key learning points as they embark upon the next step of transferring them to the work place.

Learning Objectives:

Participants will be able to:

- ✓ Determine the effectiveness of the training.
- ✓ Recognize new skills learned in the training.

Methods of Presentation:

Trainer facilitation, individual activity, and large group discussion

Materials Needed:

- ✓ Training Program Evaluation Form
- ✓ **Handout #17 (Bibliography)**

Resources Used:

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (1999). *Coaching for Excellence in Practice*.

PA Standards:

None

CFSR Issues:

None

Interactional Skills:

None

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Section VIII: Evaluation and Closure

Step 1:

The trainer reviews the what's in it for me activity completed early in the training to highlight key learning points and determine if there are any remaining issues to address or refer to other parts of the legal series, other trainings, and/or other resources. The trainer may wish to retain items that pertain to parts two or three of the legal series.

Step 2:

The trainer distributes the evaluation form and asks participants to complete it. When complete, the trainer collects all evaluation forms for submission to the Training Program.

Step 3:

The trainer distributes **Handout #17 (Bibliography)** as a reference to participants.

Step 4:

The trainer reminds participants of the next session of the legal series and tells them to bring their copy of The Child Protective Services Law to that training. The trainer closes the training by offering specific compliments to the group for such things as their participation, attention, cooperation, etc. and wishes them well in the application of their new learning.

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