

No. 2005-68

AN ACT

HB 127

Providing for certain rights of resource parents; and further providing for duties of county agencies and private agencies.

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

Section 1. Short title.

This act shall be known and may be cited as the Resource Family and Adoption Process Act.

Section 2. Legislative intent.

The General Assembly recognizes and values the important service provided by a resource family parent or parents in caring for children and youth within the foster care system. It is the intent of the General Assembly to ensure that persons serving as resource parents are treated equitably during all stages of a foster child's placement, including adoption. The foremost goal of any placement of the child shall ensure a favorable resolution for the child.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Child." An individual under 18 years of age who is residing with a resource family.

"County agency." The county children and youth social service agency established pursuant to section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the Department of Public Welfare under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"Interview." An interactive process by which a county or private agency becomes familiar with prospective adoptive parents.

"Private agency." A children and youth social service agency subject to the requirements of 55 Pa. Code Ch. 3680 (relating to administration and operation of a children and youth social service agency).

"Resource family." 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.

"Resource family parent or parents." An individual or individuals approved by a county or private agency who is responsible for providing foster care to a child placed with a resource family.

Section 4. Resource family adoption interview process.

(a) Interview.—A resource family parent or parents shall be given an interview with the appropriate county or private agency when all of the following occur:

(1) The county or private agency that placed the child with that resource family has changed the child's goal from foster care to adoption.

(2) The resource family parent is interested in becoming an adoptive resource for that child.

(3) The child has resided with that resource family for six months or more.

(b) Resource family parent interview.—In addition to information obtained from interviews of other prospective adoptive families, the interviewing agency shall convey information obtained from the interview with the resource family parent to the county agency responsible for making the determination as to adoptive placement of the child.

(c) Consideration of more than one adoptive resource.—When more than one adoptive resource is available for the placement of a child, the county agency shall document its reasons for placing the child with the selected adoptive parents in the child's case record.

(d) Certain concerns not to be considered.—No resource parent who meets the conditions set forth in subsection (a) 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.

Section 5. Regulations.

The Department of Public Welfare may promulgate such regulations as may be necessary to implement this act.

Section 6. Effective date.

This act shall take effect in 60 days.

APPROVED—The 16th day of November, A.D. 2005.

EDWARD G. RENDELL